

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Rep. David J. Heinemann at
Chairperson

3:30 ~~am~~p.m. on March 13, 1984 in room 519-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Ramon Powers, Legislative Research
Theresa Kiernan, Revisor of Statutes'
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Marsha Marshall, Kansas Natural Resource Council
Paul Sasse, City of Independence
Chris McKenzie, Kansas League of Municipalities
Bill Hanzlick, Kansas Fish and Game
Joe Harkins, Kansas Water Office

Hearings on: SB 497 - Kansas Water Appropriations Rights; conditioned to minimum streamflow requirements.

SB 510 - Water resource planning process.

SB 735 - Minimum desirable streamflows incorporated by reference.

SCR 1646- Requiring negotiation commencement for additional water supply capacity in federal reservoirs.

Marsha Marshall, Kansas Natural Resource Council, testified in support of SB 497 and SB 735. She stated KNRC joined the Kansas Water Authority in approving minimum desirable streamflow. (See Attachment 1).

Mr. Paul Sasse, City of Independence, addressed the committee the opposition of SB 497 and SB 735. Mr. Sasse raised three concerns in regard to minimum desirable streamflow; 1) adoption of the standards provides for 'piecemeal planning'; 2) how the procedures will be administered during drought periods; and 3) the impact of future water needs. (See Attachment 2).

Mr. Chris McKenzie, Kansas League of Municipalities, testified before the committee and endorse SB 497 (in principle). Mr. McKenzie noted that SB 497, if enacted, would create a degree of uncertainty for future water appropriation right applicants, including many municipal applicants. The League requested that SB 497 retain the July 1, 1990 sunset date in order to remove the possibility of a perpetual cloud being imposed on water rights applied for after the effective date of the act. (See Attachment 3).

Bill Hanzlick, Kansas Fish and Game, spoke briefly in support of the proposed legislation and said it was a laudible effort to develop an overall, comprehensive plan to address the state's water issue.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources,
room 519-S, Statehouse, at 3:30 ~~xxx~~/p.m. on March 13, 1984

Mr. Joe Harkins, Kansas Water Office, briefly addressed the committee in support of each bill. Mr. Harkins said the proposed legislation was designed as a preventative measure for healthy streams.

A brief question and answer period followed each presentation.

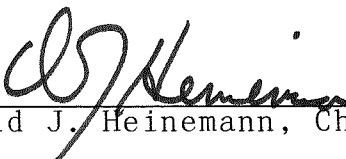
The Chairman then called for a discussion on HB 2725 and HB 2726. Staff distributed a balloon copy of proposed amendments on HB 2725, and explained the amendments contained in the draft. (Attachment 4).

Representative Rosenau moved to adopt the amendments for HB 2725.
Representative Kent Ott seconded the motion. Motion Adopted.
Representative Fox motioned to report HB 2725 favorable for passage as amended. Representative Niles seconded the motion.
Motion carried.

Staff distributed proposed amendments to HB 2726 (Attachment 5).
Representative Niles moved to adopt the amendments on HB 2726.
Representative Barr seconded the motion. Motion adopted.
Representative Niles moved to recommend HB 2726 favorable for passage as amended. Representative Barr seconded the motion. The Chairman reminded committee members the bill would go to Ways and Means for further consideration. Motion adopted.

There being no further business before the committee, the meeting was adjourned at 4:30 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on March 14, 1984 at 3:30 p.m.



David J. Heinemann, Chairman

Date 3-13-84

GUESTS

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

NAME	ADDRESS	ORGANIZATION
Jack Alexander	2509 Fillmore Topeka	K.W.H. & K.H. & M.
Kath Groves	Topeka	KCCZ
Ed Reinert	"	Ks LWV's
TREVA POTTER	TOPEKA	NORTHERN NAT. GAS
D. Patterson	"	
Katharine J. Jassen		
Charles P. Hamm	Forbes Field, Topeka, Kan	Dept of Health & Environment
B. J. STROK	" "	K O H & E
Chris McKenzi	Topeka	League of Ks. Municipalities
Peggy Blackman	Marion	" " " "
Jim Roe	Holt	
Mary Fund	Whiting Ks	Ks. Rural Center
Maucha Marshall	Topeka	Kansas Natural Resource Council
JOE HARKINS		KWD
Bill Hanzlick	PRATT	KANSAS Fish & Game
Ken Brunson	Pratt	Ks. Fish & Game Council
Tom STILES	Topeka	KWD
Paul Sasse	Independence	City of Independence

Kansas Natural Resource Council

Testimony before

the House Energy and Natural Resources Committee

by Marsha Marshall

Proponent: SB 497, SB 735

KNRC strongly recommends that you endorse these bills and join with the Kansas Water Authority in approving the minimum desirable streamflow section of the Kansas Water Plan. Such well considered work deserves to become the first such approved section. The concepts and standards represent a consensus of a broad range of agencies and consumer interests as well as business and municipal concerns.

If you act to approve minimum desirable streamflow legislation, the Neosho, Cottonwood, Marais des Cygnes, and Little Arkansas rivers will become the first streams in the state to receive protection from encroachment by new water appropriations. Further, such approval will pave the way for standards to be set on over 20 additional streams in the next several years.

Preserving instream flows for fish, wildlife, water quality, and aesthetic purposes recognizes the inherent value of the river, independent of its capacity for exploitation. While not taking precedence over vested and senior appropriation rights, these standards will nonetheless positively affect the management of the designated waterways.

These standards were subjected to careful scrutiny of state agencies and to extensive public hearings. We hope you will join with this large and diverse group of Kansans in your approval of this minimum streamflow legislation. Thank you.

CITY OF INDEPENDENCE

March 13, 1984

"A PROGRESSIVE COMMUNITY IN THE HEART OF AMERICA"

Representative David J. Heinemann, Chairman
House Committee on Energy and Natural Resources

Subject: Minimum Streamflow provisions contained in SB 497 and 735

Dear Representative Heinemann:

The City of Independence appreciates the opportunity to be with you today and provide our input on SB 497 and 735 pertaining to Minimum Streamflows. We commend the State and this Committee for your initiative in starting to plan for comprehensive management of the States waters.

SB 735, as drafted, does not impact the City of Independence, however, it is our belief that the guidelines determining minimum streamflow as shown in the final draft of the Kansas Water Plan will eventually be applied to the Verdigris River. SB 497, as written, could impact the City of Independence upon adoption.

Our concern with minimum desirable streamflow legislation is in three areas.

1. Adoption of these standards provides for piecemeal planning.
2. How minimum streamflows procedures under both acts will be administered during drought periods.
3. How presented minimum streamflows will impact future water needs.

Piecemeal Planning:

It is our opinion that the establishment of minimum streamflows should be considered by the 1985 Legislature, as part of the total state water plan. Effective water policy should not be considered on a compartmentalized basis. This viewpoint is shared by the Kansas Engineering Society in their 1984 Policy Statement.

"The selection of minimum streamflows as having the highest priority for planning poses some serious difficulty. While it has the advantage of being a piece of an overall water planning effort, it is so closely linked to decisions about water use and reservoir operation management, that reasonable decisions are difficult without coordination with these elements."

Representative David J. Heinemann
Minimum Streamflow provisions
Page 2

Minimum desirable streamflows during drought periods:

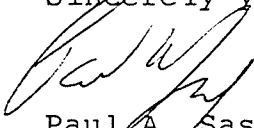
Our concerns in this area are as follows: (a) The proposals currently before you do not adequately address how minimum desirable streamflows will be maintained during periods of drought or low flows. At several hearings conducted by the Kansas Water Office we have been told that the Chief Engineer of the Division of Water Resources of the State Department of Agriculture would have the authority to abate the minimum streamflow requirement during drought periods, however, nowhere in the proposed water plan is this clearly stated. It is our belief that any legislation adopted on minimum streamflow should clarify this intent. (b) A clearer definition of what constitutes drought should be provided in the legislation. (c) We believe that there is also a need for clarification to determine whether water released from reservoirs to maintain minimum streamflow during drought can be drawn from the river by individuals having vested and appropriated water rights.

Future needs:

The methodology used to determine at what level to establish the minimum streamflow provided a compromise between environmentalists, health officials, and the Division of Water Resources officials. At this time the report on minimum streamflow does not discuss how future needs of agricultural, cities, and industrial users will be impacted or even more, how much water in each of the rivers is available for growth.

Thank you for the opportunity to appear before you and express our viewpoint.

Sincerely yours,



Paul A. Sasse
City Manager



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: House Energy and Natural Resources Committee
FROM: Chris McKenzie, Attorney/Director of Research
DATE: March 13, 1984
SUBJECT: Statement on SB 497

By action of its special Committee on Water Policy, the League of Kansas Municipalities wishes to express its endorsement of SB 497 in principle. The League appreciates and generally supports the minimum desirable stream flow planning efforts of the past year by the Kansas Water Office and the Kansas Water Authority. Efforts to determine and adopt minimum desirable streamflow standards should continue in the years to come. We believe SB 497 can play a major role in that planning process by insuring that water appropriation rights that are granted after the effective date of this act will not have priority over the minimum desirable streamflow standards that are established prior to July 1, 1990.

I believe it is important to mention that the League's position in support of SB 497 in principle was not adopted without some reservations or debate. SB 497, if enacted, will create a degree of uncertainty for future water appropriation right applicants, including many municipal applicants. This uncertainty is caused by the lack of knowledge that we have today about the stringency of any minimum desirable streamflow standards that may be adopted by the legislature and become effective before July 1, 1990. At the same time municipal and other water appropriation right applicants face this uncertainty, clear movement by both the executive and legislative branches in state government to establish minimum desirable streamflow requirements for Kansas rivers can result in significant benefits to existing appropriation right holders, including many cities. SB 497 has required the League to examine its basic position on the issue of setting minimum desirable streamflow requirements. After doing a rough cost-benefit analysis, it is our judgment that the overall interest of the 78% of Kansans who live in cities in the state will be advanced more by the enactment of SB 497 than without it.

One final note. We believe it is imperative that SB 497 retain the July 1, 1990 sunset date in order to remove the possibility of a perpetual cloud being imposed on water rights applied for after the effective date of the act. In our opinion, this provision is one of the strengths of the bill.

We respectfully urge that you give SB 497 careful consideration. Thank you.

Attachment 3

3-13-84

HOUSE BILL No. 2725

By Committee on Energy and Natural Resources

1-20

0017 AN ACT concerning hazardous waste; relating to the powers and
 0018 duties of the secretary of the department of health and envi-
 0019 ronment; amending K.S.A. 1983 Supp. ~~65-3443~~ and repealing 65-3430 and
 0020 the existing ~~section~~. sections

0021 *Be it enacted by the Legislature of the State of Kansas:* see insert-1

0022 ~~Section 1~~ K.S.A. 1983 Supp. 65-3443 is hereby amended to Sec. 2

0023 read as follows: 65-3443. (a) If the secretary finds that the
 0024 generation, accumulation, management or discharge of a haz-
 0025 ardous waste by any person (1) is or threatens to cause pollution
 0026 of the land, air, or waters of the state or (2) is or threatens to
 0027 become a hazard to persons, property or public health or safety or
 0028 (3) that the rules and regulations adopted pursuant to this act
 0029 have been violated, the secretary may order the person to modify
 0030 the generation, accumulation or management of the hazardous
 0031 waste or to provide and implement such hazardous waste man-
 0032 agement ~~systems~~ *procedures* as will prevent or remove the
 0033 pollution or hazard ~~or take any other action deemed necessary.~~
 0034 The secretary may order any person having a permit issued
 0035 under this act, and who operates a public or commercial hazard-
 0036 ous waste management ~~system or any part thereof~~ *facility*, which
 0037 the secretary finds suitable to manage the hazardous waste, to
 0038 provide and implement a hazardous waste management ~~system~~
 0039 ~~or part thereof~~ *procedures* to prevent or remove such pollution or
 0040 hazard. Such order shall specify a fair compensation to the owner
 0041 or permittee for property taken or used and shall specify the
 0042 terms and conditions under which the permittee shall provide
 0043 the hazardous waste management services. Any order issued
 0044 shall specify the length of time after receipt of the order during
 0045 which the person or permittee shall provide or implement the

Attachment 4
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0046 hazardous waste management system procedures or modify the
0047 generation, accumulation or management of the hazardous
0048 waste.

0049 ~~(b)~~ If the secretary after consideration of the economic im-
0050 pact on the generator finds that there is an environmentally more
0051 desirable procedure available other than ground burial for the
0052 disposal of a particular type of hazardous waste, the secretary
0053 shall order that the use of ground burial for the disposal of that
0054 type of hazardous waste be discontinued. The secretary in de-
0055 veloping such consideration may require the generator to pro-
0056 vide information and plans for potential environmentally more
0057 desirable procedures. ~~Ground burial of hazardous waste is~~
0058 ~~hereby prohibited in the state of Kansas. Any existing hazardous~~
0059 ~~waste disposal facility which utilizes ground burial shall cease~~
0060 ~~burial activities and shall implement closure and post-closure~~
0061 ~~plans and procedures which have been approved by the secre-~~
0062 ~~tary.~~

see insert-2

0063 ~~(c)~~ Any party aggrieved by an order under this section shall
0064 have the right of appeal in accordance with the provisions of
0065 K.S.A. 1981 Supp. 65-3440, and amendments thereto.

(e)

0066 Sec. ~~4~~ K.S.A. 1983 Supp. ~~65-3443~~ is hereby repealed.

65-3430 and 65-3443 are

0067 Sec. ~~3~~ This act shall take effect and be in force from and
0068 after its publication in the statute book.

4

5

Section. 1. K.S.A. 1983 Supp. 65-3430 is hereby amended to read as follows: 65-3430. As used in K.S.A. ~~1982-Supp.~~ 65-3430 to 65-3448, and amendments thereto:

(a) "Board" means the hazardous waste disposal facility approval board.

(b) "Department" means the Kansas department of health and environment.

(c) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted in the air or discharged into any water in the state.

(d) "Facility" means all contiguous land, structures and other appurtenances and improvements on the land utilized for the purpose of treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units such as (1) one or more landfills; (2) surface impoundments; (3) treatment units or (4) combinations of (1), (2) or (3).

(e) "Generator" means any person producing or bringing into existence hazardous waste.

(f) "Hazardous waste" means waste or combination of wastes which because of its quantity, concentration or physical, chemical or infectious characteristics is determined by the secretary to be dangerous to human health or present a substantial existing or potential hazard to the environment when improperly managed. Such term shall include radioactive hazardous waste. Such term shall not include: (1) Household waste; or (2) agricultural waste returned to the soil as fertilizer; or (3) mining waste and overburden from the extraction, beneficiation and processing of ores and minerals, if returned to the mine site; or (4) drilling fluids, produced waters and other wastes associated with the exploration, development and production of crude oil, natural gas or

geothermal energy; or (5) fly ash, bottom ash, slag and flue gas emission control wastes generated primarily from the combustion of coal or other fossil fuels; or (6) cement kiln dust.

(g) "Hazardous waste disposal facility" means all contiguous land, structures and other appurtenances, and improvements on the land utilized for the disposal of hazardous waste.

(h) "Hazardous waste storage facility" means a location where hazardous waste is held for a temporary period at the end of which the hazardous waste is treated, stored or disposed of at another location. Such term shall not include (1) a location at the place of waste generation where hazardous waste is accumulated for a period of 90 days or less in accordance with rules and regulations adopted by the secretary or (2) a transfer facility where a transporter is storing manifested shipments of hazardous waste in containers approved by the secretary for a period of 10 days or less.

(i) "Hazardous waste treatment facility" means any location, except a publicly owned treatment works holding a permit issued under K.S.A. 65-165, and amendments thereto, where any method, technique or process is applied to hazardous waste to change its physical, biological or chemical characteristics or to render such waste nonhazardous, safer for transport or disposal, amenable for recovery or storage or reduced in volume.

(j) "Hazardous waste management system" means the systematic control of the collection, separation, storage, transportation, treatment, recovery and disposal of hazardous waste by any person.

(k) "License" means the document issued to a person by the secretary under the authority of K.S.A. 48-1607, and amendments thereto, which allows such person to construct and operate a radioactive hazardous waste storage or disposal facility in the state.

(l) "Manifest" means the form prescribed by the secretary to be used for identifying the quantity, composition, origin and

the routing and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment or storage or at any point in between.

(m) "Modification" means the expansion or enlargement of a facility beyond the permitted boundaries established by an existing permit issued by the secretary or any material or substantial alteration or addition to an existing permitted facility which would justify the application of permit conditions that would be materially or substantially different from the conditions of the existing permit or are absent from the existing permit.

(n) "Monitoring" means all procedures used to (1) systematically inspect and collect data on the operational parameters of a facility or a transporter, or (2) to systematically collect and analyze data on the quality of the air, groundwater, surface water or soil on or in the vicinity of a hazardous waste disposal, storage or treatment facility.

(o) "On-site facility" means a facility which is located on property contiguous to or divided only by a public or private way from the source of generation and which is solely owned and operated by the generator exclusively for the treatment, storage or disposal of wastes which have been generated on the contiguous property.

(p) "Permit" means the document issued to a person by the secretary which allows such person to construct and operate a hazardous waste treatment, storage or disposal facility in the state.

(q) "Person" means an individual, partnership, firm, trust, company, association, corporation, institution, political subdivision or state or federal agency.

(r) "Radioactive hazardous waste" means discarded by-product material, source material, or special nuclear material as defined by K.S.A. 48-1603, and amendments thereto.

(s) "Secretary" means the secretary of the department of health and environment.

(t) "Short-term storage" means (1) the accumulation of hazardous waste for a period of 90 days or less at an "on-site facility" in accordance with rules and regulations adopted by the secretary or (2) the temporary storing of manifested shipments of hazardous wastes in containers approved by the secretary on or in the property of the transporter for a period of 10 days or less.

(u) "Storage" means the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the hazardous waste. "Short-term storage" as defined in subsection (t), does not constitute "storage".

(v) "Transporter" means any person who conveys or moves hazardous waste from the point of its generation or any other point to a treatment, storage or disposal facility or any point in between.

(w) "Treatment" means any method, technique, or process designed to change the physical, chemical or biological characteristics or composition of any hazardous waste so as to neutralize such waste or as to render such waste nonhazardous, safer for transport, amenable for recovery or storage, convertible to another usable material or reduced in volume and suitable for ultimate disposal.

(x) "Waste" means any garbage, refuse, sludge or other discarded material which is abandoned or committed to treatment, storage or disposal, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural activities; and including discarded by-product material, source material, or special nuclear material as defined in K.S.A. 48-1603, and amendments thereto. Waste does not include solid or dissolved materials in domestic sewage, in irrigation return flows, or solid or dissolved materials or industrial discharges which are point sources subject to permits under K.S.A. 65-165, and amendments thereto.

(y) "Mound landfill" means a disposal process by which

gradient

hazardous waste is placed above the natural surface of the ground and where the waste will remain after closure. The landfill upon closure shall be covered with materials approved by the secretary to prevent infiltration of liquids into the landfill.

(z) "Underground injection" means the subsurface emplacement of fluids through a well for which a permit has been issued by the secretary.

(aa) "Land treatment" means the practice of applying hazardous waste onto or incorporating hazardous waste into the soil surface so that it degrades or decomposes and renders the waste nonhazardous.

(bb) "Above ground storage" means the placement of containerized hazardous waste into an above ground structure for a temporary period prior to the reuse or ultimate treatment or disposal of such waste.

(cc) "Closure plan" means a written document which identifies the procedures by which the owner or operator of a hazardous waste management facility will close such facility so as to control, minimize or eliminate, to the extent necessary to prevent a threat to human health and the environment, post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall or waste decomposition products to the ground, groundwater, surface waters or to the atmosphere.

(dd) "Post-closure plan" means the written document which identifies the procedures by which the owner or operator of a hazardous waste management facility shall provide, for a minimum of 30 years, for groundwater protection, site security and maintenance of cover and leachate collection systems.

(b) The below ground burial of hazardous waste is hereby prohibited in the state of Kansas. Such prohibition shall not be construed as prohibiting mound landfill, above ground storage, land treatment or underground injection of hazardous waste. Any existing hazardous waste disposal facility which utilizes below ground burial shall cease such burial practices and with the approval of the secretary, shall implement closure and post-closure plans on all hazardous wastes which have been disposed of below ground.

(c) The secretary shall adopt rules and regulations providing for approval of closure and post-closure plans, establishing standards for mound landfill, underground injection, land treatment and above ground storage of hazardous waste and establishing standards for the granting of exceptions to the prohibition of below ground burial of hazardous wastes.

(d) The secretary may grant an exception to the prohibition of below ground burial of hazardous waste. If the person seeking such exception demonstrates that the hazardous waste intended to be buried below ground does not pose a present or potential threat to the public health or the environment pursuant to rules and regulations adopted by the secretary, the secretary shall grant an exception.

New Sec. 3. (a) All generators of more than [✓]75 kilograms of hazardous waste each month shall be subject to regulation by the secretary pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and amendments thereto, on and after July 1, 1984.

(b) All generators of more than 50 kilograms of hazardous waste each month shall be subject to regulation by the secretary pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and amendments thereto, on and after July 1, 1985.

(c) All generators of more than [✓]25 kilograms of hazardous waste each month shall be subject to regulation by the secretary pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and amendments thereto, on and after July 1, 1986.

(d) All generators of more than 10 kilograms of hazardous waste each month shall be subject to regulation by the secretary pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and amendments thereto, on and after July 1, 1987.

HOUSE BILL No. 2726

By Committee on Energy and Natural Resources

1-20

0016 AN ACT concerning hazardous waste; establishing a hazardous
0017 waste clean-up fund; prescribing certain powers and duties to
0018 the secretary of health and environment.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. (a) There is hereby created the hazardous waste
0021 clean-up fund. All moneys received by the secretary of the
0022 department of health and environment as grants, gifts, bequests
0023 or state or federal appropriations to carry out the provisions of
0024 this act shall be deposited in such fund. All expenditures from
0025 the hazardous waste clean-up fund shall be made in accordance
0026 with appropriations acts and upon warrants of the director of
0027 accounts and reports issued pursuant to vouchers approved by
0028 the secretary of the department of health and environment.

0029 (b) The secretary is authorized to receive from the federal
0030 government or any of its agencies or from any private or govern-
0031 mental source any funds made available under laws, rules or
0032 regulations for hazardous waste clean-up or other response to
0033 health and environmental situations where any hazardous waste
0034 is or threatens to create a health or environmental hazard.

0035 Sec. 2. The secretary shall have the power to: (a) Determine
0036 that the clean-up of a hazardous waste site is necessary to protect
0037 the public health and safety or the environment; (b) expend and
0038 authorize the expenditure of moneys from the hazardous waste
0039 clean-up fund; (c) recover moneys from persons responsible for
0040 the health or environmental hazard created by the hazardous
0041 waste; ~~(d)~~ assign personnel and equipment necessary to carry out
0042 the purpose of this act; and ~~(e)~~ enter into contracts or agreements
0043 with any person or company to conduct the necessary clean-up
0044 operations.

issue clean-up orders to persons responsible for
the health and environmental hazard created by
the hazardous waste; (d)

(e)

delete

(f)

; and adopt rules and regulations to carry out
provisions of sections 2, 3 and 4 of this act.

Attachment 5
3-2-84

0045 Sec. 3. The secretary is authorized to use funds from the
 0046 hazardous waste clean-up fund to pay the cost of: (a) Investiga-
 0047 tion activities; ~~(b) health assessments;~~ (c) monitoring; ~~(d) evalu-~~
 0048 ation of sites; ~~(e) contract for services;~~ (f) clean-up plan, design
 0049 and review; ~~(g) any consultation needed concerning clean-up~~
 0050 activities; ~~(h) epidemiological studies;~~ (i) research required in
 0051 order to carry out the purpose of this act; ~~(j) mitigation of adverse~~
 0052 environmental impacts; ~~(k) emergency or long term clean-up~~
 0053 activities undertaken in accordance with this act; (l) legal costs
 0054 incurred in recouping fund expenditures from responsible par-
 0055 ties; and ~~(m) any other program related to protecting the health~~
 0056 or environment because of a hazard created by or threatened to
 0057 be created by a hazardous waste.

0058 Sec. 4. Any person responsible for the discharge, abandon-
 0059 ment or disposal of hazardous waste which the secretary deter-
 0060 mines is necessary to be cleaned up pursuant to section 2 shall
 0061 be responsible for the ~~repayment of the costs of the clean-up~~
 0062 ~~work~~. If the responsible person fails to pay for such costs, such
 0063 payments shall be recoverable in an action brought by the secre-
 0064 tary in the district court of Shawnee county. Any money re-
 0065 covered under this section shall be deposited in the hazardous
 0066 waste clean-up fund.

0067 Sec. ~~5~~. The provisions of this act shall be supplemental to
 0068 article 34 of chapter 65 of the Kansas Statutes Annotated.

0069 Sec. ~~6~~. This act shall take effect and be in force from and
 0070 after its publication in the statute book.

delete

(b)

(c)

(d)

(e)

(f)

delete

(g)

(h)

(i)

(j)

shall be borne by the responsible party.

X II.

payment of the costs of investigation to determine whether remedial action is necessary at the site and where remedial action is required to protect the public health and environment, the costs of that remedial action, or where the secretary incurs costs or expends funds for such activities, the responsible person shall be notified of such costs and expenditures and shall make repayment of all costs incurred for response to the site in accordance with section 3 of this act

or repayment

Sec. 5. Any person aggrieved by an order under this act shall have the right of appeal in accordance with the provisions of K.S.A. 65-3440 and amendments thereto.

6.

7.