

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Charlie L. Angell at
Chairperson

8:00 a.m./~~xxx~~ on Thursday, March 29, 1984 in room 123-S of the Capitol.

All members were present except:
Senator Paul Feleciano
Senator Tom Rehorn (Excused)

Committee staff present:
Ramon Powers, Research Department
Don Hayward, Revisor's Office
LaVonne Mumert, Secretary to the Committee

Conferees appearing before the committee:
Barbara Sabol, Secretary, Kansas Department of Health and Environment
James Young, Chemical Waste Management, Inc.
D. Weston Stucky, Kansas City Kansas Area Chamber of Commerce
Rob Hodges, Kansas Chamber of Commerce and Industry

Senator Roitz moved that the minutes of the March 28, 1984 meeting be approved. Senator Werts seconded the motion, and the motion carried.

Copies of a statement from the League of Women Voters of Kansas were distributed to the Committee (Attachment 1).

H.B. 2726 - Hazardous waste clean-up fund; established

Barbara Sabol summarized her written testimony (Attachment 2). She said that the superfund provided for in H.B. 2726 will enable the Department of Health and Environment (KDHE) to work on problems that may have been created from past disposal practices. A list of 201 sites of potential or actual hazards to the environment has been developed. H.B. 2726 authorizes the Secretary of KDHE to receive monies to create the superfund, to determine what sites need clean up, expend monies from the fund, issue clean up orders to responsible parties, recover monies from responsible parties and to engage in other activities necessary to carry out the act. Ms. Sabol stated that KDHE intends to establish a priority ranking system of the sites. She said that the list of sites may fluctuate as additional information is received. Responding to questions from Senator Hess, Ms. Sabol said that the list was compiled from a variety of sources such as reports from concerned parties, files and knowledge of KDHE and the Environmental Protection Agency and anonymous complaints. Ms. Sabol advised that she has received resolutions from various county commissions supporting H.B. 2725 and H.B. 2726. Senator Roitz asked if the Secretary presently has the authority to review the list of the 201 sites and remove any sites. Ms. Sabol replied that the list originally started as a federal list and that H.B. 2726 would create a state list of sites.

H.B. 2725 - Ground burial of hazardous waste; prohibited

H.B. 2726 - Hazardous waste clean-up fund; established

James Young read his written statement (Attachment 3) in opposition to H.B. 2725 and H.B. 2726. He disagrees that all landfills will eventually leak and said that it is possible to prevent leakage by proper containment of treated wastes which contain no liquids. He discussed advances in the technology of land disposal. Mr. Young said that almost every treatment technology generates residues that must be disposed of. He talked about the responsibility of the owners of disposal sites. He said they have to provide financial assurances for closure and post-closure before they are approved to operate such a facility. They also maintain insurance to cover releases. For each ton of waste deposited, they pay a certain amount into a federal fund used for clean up activities. He pointed out that even after release after post-closure, the owners are still the responsible party. Mr. Young stated that he does not see the necessity for H.B. 2725. There is no commercial hazardous waste disposal facility in operation in Kansas, and it will be at least a year before a decision can be expected on the application filed by his company regarding the Furley site. He said that existing statutes give KDHE the authority to do everything set out in H.B. 2725. Mr. Young distributed two versions of proposed language for H.B. 2725. One (Attachment 4) would prohibit the land disposal of all but

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,
room 123-S, Statehouse, at 8:00 a.m./~~p.m.~~ on Thursday, March 29, 1984.

four types of wastes. The other (Attachment 5) would prohibit the land disposal of a longer list of wastes. The drafts also contain proposed amendments regarding the small generator exemption to conform with federal law.

D. Weston Stucky summarized his written testimony (Attachment 6) opposing H.B. 2725. He described the actions and recommendations the state of Illinois has made with regard to hazardous waste. Mr. Stucky strongly recommends that the business community be involved in drafting legislation regarding hazardous waste. He said that small businesses will especially be impacted by increased regulations if the bill passes.

Rob Hodges read his written testimony (Attachment 7) in opposition to H.B. 2725 and H.B. 2726. His organization recommends that H.B. 2725 and H.B. 2740 be combined into one bill. He suggested that the combined bill be amended by changing the proposed definition of "mound landfill". Mr. Hodges raised concerns about the phrases "potential threat" and "threatens to become". He also suggested that KDHE should submit a report to the Legislature before each new group of small generators is phased in. Mr. Hodges encouraged closer examination of Sections 3 and 4 of H.B. 2726 concerning the use of superfund monies and how those monies are to be repaid.

The meeting was adjourned at 9:02 a.m. by the Chairman. The next meeting of the Committee will be at 8:00 a.m. on Friday, March 30, 1984.

Senate Energy & Natural Resources

March 28, 1984

<u>Name</u>	<u>Organization</u>
JAMES L. YOUNG	CWM
Chip Wheelen	CWM
CLIFF McDaniel	N.I.E.S.
Wes Stucky	KCK Chamber of Commerce
Rob Hodges	KCCI
CHARLES BELT	WICHITA C of C
Bill Rinehart	Gulf Oil
Paul Weeditz	Texaco Inc.
Joe Hodges	Cities Service Oil & Gas
Robert O. Anderson	MidCont Oil & Gas
Dennis K. Miller	Chair, Kansas Cit Co. Aging
Jeanne Temple	KU Intern / atty. General
DVD GRANT	KCCI
Dennis Murphy	KDHE
John Paul Soeth	"
Charles Hamm	KDHE
Robert Eye	"
Sonda Sheatz	WMI
Ed Reinert	KS. L.W.U.s
Del Miller	Gov's office
Chris McKenzie	Ch League of Municipalities
James Nedra Cadney	ISSN Trade
Ralph Hunt, Jr	Assoc. of Wichita Refuse Haulers
Jacques Heber	A-1 Sanitation Service, Inc. - Wichita
June Weber	" "
Richard D. Kready	KPL / Gas Service Co.

Robert A. Anderson
Julie McNeil

Walt Carl O'Boyle
LWM

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

909 Topeka Boulevard-Annex

913/354-7478

Topeka, Kansas 66612

March 28, 1984

STATEMENT TO THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE IN
SUPPORT OF HB 2725 AND HB 2726.

The League of Women Voters of Kansas wishes to indicate their support
of HB 2725 and HB 2726.

In a study of hazardous waste a year ago the Kansas League of Women
Voters concluded that ground burial was the least desirable and
ultimately the most costly method of hazardous waste management.

As a nation we are confronted almost daily by evidence of the failure
of ground burial to contain hazardous wastes. Officially approved
hazardous waste disposal sites and sanitary landfills are suspect.

Ground burial should be discontinued and the problem sites identified
and cleaned up.

Thank you.



Ed Reinert,
LWVK Lobbyist

Atch. 1

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
 Testimony on H.B. 2726

By
 Barbara J. Sabol, Secretary
 To
 Senate Energy and Natural Resources Committee
 March 22, 1984

Background/Summary

During the past several decades, activities such as the operation of industrial sites, spills of hazardous materials, and operation of solid and/or hazardous waste disposal sites have resulted in potential or actual environmental degradation in various locations across Kansas. The department has identified a list of 201 such sites which require investigation of potential environmental problems relating to air, soil, surface water and groundwater pollution. As the department's ongoing inspection programs continue, additional sites will be identified and added to this list. The investigation of these sites, along with the determination of the actual or potential harm associated with the sites, is a high priority and should be completed as soon as reasonably possible. Of the 201 sites identified by the department, only four are also listed on the "Federal Superfund" list and are, therefore, eligible for federal funding. The remaining 197 sites, and any additional sites which may be identified, must be investigated through the use of limited public resources when responsible parties are not available, or when the site poses an imminent hazard. Without the availability of a "State Superfund", the investigation and clean up of these sites will be delayed for a considerable period of time.

House Bill 2726 provides the necessary resources to respond expeditiously to the need to investigate these sites. This bill will allow the Secretary of the Department of Health and Environment to receive federal, state, and private monies to create a hazardous waste cleanup fund. The bill also gives the Secretary the authority to:

- A. Determine what sites need to be cleaned up;
- B. Expend monies from the fund;
- C. Issue cleanup orders to responsible parties;
- D. Recover monies from responsible parties when fund monies are expended;
- E. Assign personnel and equipment necessary to carry out the act;
- F. Enter into contracts or agreements to conduct cleanup operations;
- G. Adopt rules and regulations to carry out the provisions of the act.

Atch. 2

The bill authorizes the Secretary to use funds from the Hazardous Waste Clean-Up Fund in several ways. These include: a) investigation activities; b) monitoring; c) site evaluations; d) contractual services; e) clean-up plan design, review, and consultation; f) mitigation of adverse environmental impacts; g) emergency clean-up activities; h) legal costs; and, i) related expenses. All expenditures from the clean-up fund would be made in accordance with appropriations acts. Under the provisions of the bill, parties identified as responsible for a problem site will be required to pay the cost of investigation and remedial action as necessary. If these costs are incurred by the Secretary, the responsible party will be notified of the cost and would be required to repay such costs to the fund. This bill also contains a provision whereby any person aggrieved by an order of the Secretary under the act would have the right to appeal in accordance with the provision of K.S.A. 65-3440.

Implementation

In order to conduct reviews of the 201 problem sites in an expeditious manner, the department will encourage responsible parties to conduct investigations, including groundwater monitoring, to determine whether an actual threat to the environment exists. When responsible parties are unable or unwilling to assist in such efforts, the department will conduct the investigation and the groundwater monitoring. After such a site investigation has defined the scope of the problem, if any, KDHE will work with responsible parties to develop and implement an appropriate remedial action work plan. Where responsible party action can not be secured and prompt action is required, KDHE will initiate remedial action as appropriate and take the necessary legal steps to recoup cleanup costs at a later date. In all cases, the first priority will be to address and correct problems posing a threat to the citizens of Kansas.

The usual sequence of activities for the sites will be as follows:

1. A preliminary site assessment by a field team from the Bureau of Waste Management and completion of a site evaluation form.
2. A review of the site form to assign a priority for further investigation.
3. Groundwater monitoring and other site analyses by responsible parties or KDHE to determine the actual scope of the problem.
4. Review of the data collected to determine if remedial action is necessary.
5. Preparation and approval of remedial action plan.
6. Implementation of the plan by responsible parties or KDHE.
7. Legal measures to recoup costs from responsible parties, where necessary.

The priority ranking system for the problem sites will use three levels. Priority One sites will be those which have a demonstrable or suspected ongoing release of hazardous waste to the environment. Priority Two sites will have little immediate potential for release of hazardous waste to the environment, but may pose a significant threat if left unattended. Priority Three sites are those sites which pose no immediate threat and require only monitoring to ensure no change in status. These priorities, which will be assigned to each site subsequent to the assessment will determine the sequence in which additional steps will be performed at the various sites.

Impacts

The department has requested \$500,000 for Fiscal Years 1985 and 1986, as well as one million dollars for Fiscal Years 1987, 1988, 1989, and 1990, in order to establish a five million dollar Hazardous Waste Clean-up Fund. As the investigation program begins, responsible parties will be required to perform groundwater monitoring and other sampling to determine if a problem actually exists. When problems are identified, responsible parties will be directed to initiated clean-up operations at once. Due to the differing nature of problems at the identified sites, costs estimates for potential clean-up actions are difficult to establish. Investigation costs per site will also vary widely. Many sites on the problem list are city or county owned sanitary landfills. Most of these sites have existing groundwater monitoring wells which can be utilized as part of the investigation. This will significantly reduce the cost to conduct investigations and groundwater monitoring at these sites. KDHE intends to further lessen the impact of this program upon cities and counties by assisting them in procuring the necessary financial and technical resources. Total costs for site investigations at privately-owned sites will likely cost between fifteen thousand and thirty thousand dollars per site. This estimate includes installation of groundwater monitoring wells.

A final impact of the operation of the problem site investigation and clean up program, certainly one of the most important, will be the elimination of the uncertainty regarding the hazards associated with these sites.

Recommendations

The Department of Health and Environment strongly supports the passage of H.B. 2726 as amended as an important step in protecting the public health and environment of Kansans.

BEFORE THE KANSAS SENATE
ENERGY & NATURAL RESOURCES COMMITTEE

Attach 3

MARCH 29, 1984

BY

JAMES L. YOUNG

SENIOR COUNSEL

CHEMICAL WASTE MANAGEMENT, INC.

GOOD MORNING CHAIRMAN ANGELL AND MEMBERS OF THE COMMITTEE.
I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY ON
HB 2725.

AS YOU ALL KNOW, I HAVE BEEN PERSONALLY INVOLVED IN THE
DEVELOPMENT OF HAZARDOUS WASTE LEGISLATION AND REGULATIONS
IN THE STATE OF KANSAS SINCE 1980. I DIRECTLY PARTICIPATED IN
THE DELIBERATIONS OF THIS COMMITTEE WHICH PRODUCED THE SENATE
SUBSTITUTE FOR HB 2181, WHICH BECAME LAW IN 1981 AND IS TODAY
THE KANSAS STATUTE GOVERNING HAZARDOUS WASTE MANAGEMENT.

BEFORE ADDRESSING THE SPECIFICS OF HB 2725 I SHOULD LIKE
TO BRIEFLY ADDRESS THE QUESTION OF THE NEED FOR LAND DISPOSAL
IN THE CONTEXT OF A WELL-BALANCED, RATIONAL AND RESPONSIBLE
APPROACH TO HAZARDOUS WASTE MANAGEMENT IN THE FUTURE.

THE VOICES THAT SING "BAN THE LANDFILL" AS THE HAZARDOUS
WASTE PANACEA, DO A GREAT DISSERVICE TO THE DEVELOPMENT OF
SYSTEMATIC AND RATIONAL SOLUTIONS TO THE VERY REAL HAZARDOUS
WASTE DISPOSAL PROBLEMS WHICH OUR SOCIETY FACES TODAY.

TO TAKE COUNSEL OF THE SWEEPING AND SYMPLISTIC STATEMENT
THAT ALL LANDFILLS WILL EVENTUALLY LEAK AS THE BASIS FOR A
PROHIBITION OF THE BELOW GROUND BURIAL OF ANY AND ALL WASTES,

Atch. 3

REGARDLESS OF HOW THEY ARE TREATED PRIOR TO DISPOSAL, ELIMINATES A HIGHLY RELIABLE, COST EFFECTIVE SOLUTION FOR THE DISPOSAL OF THOSE SELECTED WASTES WHICH WILL NOT CAUSE ADVERSE IMPACT ON HEALTH AND THE ENVIRONMENT.

YOU SHOULD BE AWARE OF THE FACT THAT THE DISPOSAL OF BULK AND CONTAINERIZED LIQUID HAZARDOUS WASTES IN A LANDFILL IS PROHIBITED BY FEDERAL REGULATIONS. I SUBMIT THAT APPROPRIATELY TREATED WASTES CONTAINING NO LIQUIDS PLACED IN A PROPERLY ENGINEERED DISPOSAL CELL FORM WHICH PRECIPITATION IS EXCLUDED DURING THE LIFE OF THE CELLS AND AFTER CLOSURE WILL NOT LEAK. SIMPLY STATED, IF THE WASTE GOES IN DRY AND THE HOLE IS KEPT DRY UNTIL CAPPED, NOTHING IS AVAILABLE TO LEAK. THERE IS NO TECHNICAL REASON THAT SUCH A DISPOSAL FACILITY CANNOT BE DESIGNED, OPERATED, AND MAINTAINED, TO PRODUCE THAT RESULT. IT IS BEING DONE.

THE TECHNOLOGY OF LAND DISPOSAL HAS BECOME INCREASINGLY MORE SOPHISTICATED IN THE PAST FEW YEARS AS UNDERSTANDING HAS GROWN. THE RESULTS OF RECENT FEDERALLY & PRIVATELY FUNDED RESEARCH, AS WELL AS CAREFUL ASSESSMENT OF THE DOCUMENTED RESULTS TO DATE WITH A VARIETY OF LAND DISPOSAL SITES, HAVE LED TO A NUMBER OF SIGNIFICANT CHANGES IN LANDFILL PRACTICES. EARLY RESEARCH HAS INDICATED THAT THE DISPOSAL OF CERTAIN TYPES OF ORGANIC WASTES, SUCH AS CONCENTRATED SOLVENTS, MAY NOT BE COMPATIBLE WITH CERTAIN SOIL TYPES AND LINER MATERIALS AND SHOULD THEREFORE BE AVOIDED. THE CONCERN FOR THE POTENTIAL MOBILITY OF CERTAIN ORGANIC COMPOUNDS IN THE SOIL AND GROUND WATER HAVE RESULTED IN A DRAMATIC SHIFT

FROM LAND DISPOSAL TO INCINERATION.

THE RCRA REAUTHORIZATION BILLS, CURRENTLY PASSED BY THE U.S. HOUSE OF REPRESENTATIVES AND NOW UNDERGOING SENATE ACTION WILL RESULT IN A SUBSTANTIAL ADDITIONAL SHIFT TOWARDS APPLICATION OF STRINGENT TECHNOLOGIES SUCH AS NEUTRALIZATION, OXIDATION, HYDROLYSIS, FIXATION, SOLIDIFICATION, DEWATERING, AND INCINERATION BEFORE FINAL DISPOSAL OF WASTES CAN BE MADE.

UNLESS IT BE CONCLUSIVELY DEMONSTRATED THAT THERE WILL BE NO MIGRATION OF THE CONSTITUENT FROM THE DISPOSAL SITE, CHEMICAL WASTE MANAGEMENT, INC. STRONGLY ENDORSES THE PRINCIPLE THAT LAND DISPOSAL, ABOVE OR BELOW GROUND, MAY NOT REASONABLY BE ANTICIPATED TO BE PROTECTIVE OF HEALTH AND THE ENVIRONMENT FOR ANY WASTE THAT CONTAINS CONCENTRATIONS OF HAZARDOUS CONSTITUENTS WHICH ARE HIGHLY TOXIC, HIGHLY MOBILE, PERSISTENT IN THE ENVIRONMENT OR WITH A HIGH PROPENSITY TO BIOACCUMULATE.

WE HAVE URGED THE CONGRESS OF THE U.S. EPA, WITH THE ASSISTANCE OF THE STATES AND THE HAZARDOUS WASTE TREATMENT AND DISPOSAL INDUSTRY, TO SET AN URGENT PRIORITY ON IDENTIFYING THOSE HAZARDOUS WASTES LISTED AND CHARACTERIZED UNDER SECTION 3001 OF RCRA WHICH SHOULD BE PROHIBITED FROM LAND OR OTHER DISPOSAL WITHOUT APPROPRIATE PRE-TREATMENT OR TREATMENT TECHNOLOGIES. THE CONGRESS WE BELIEVE, HAS APPROPRIATELY RESPONDED IN THEIR RCRA REAUTHORIZATION BILLS.

SO THAT THERE WILL BE NO MISUNDERSTANDING THAT ACCEPTANCE OF THE PRINCIPLE WHICH I HAVE JUST STATED CAN SERVE AS RATIONALE FOR THE BANNING OF ALL LANDFILLS AND THEIR REPLACEMENT BY OTHER TECHNOLOGIES, I WILL HASTEN TO SAY THAT WITH THE

POSSIBLE EXCEPTION OF SOME TYPES OF INCINERABLES OR THE SHIFTING OF CERTAIN LIQUID WASTE STREAMS FROM LAND TO WATER DISPOSAL AFTER TREATMENT IN PUBLICALLY-OWNED SEWAGE TREATMENT PLANTS, VIRTUALLY EVERY TREATMENT TECHNOLOGY WILL GENERATE THEIR OWN RESIDUES WHICH WILL NECESSARILY BE DISPOSED OF TO THE LAND AFTER TREATMENT.

TREATMENT PLANTS WILL TYPICALLY PRODUCE BETWEEN 5 AND 15 PERCENT OF THEIR INFLUENT AS SLUDGE REQUIRING LANDFILLING AFTER TREATMENT. INCINERATORS WILL PRODUCE UP TO 10% ASH DEPENDING ON THE TYPE OF WASTE AND THE METHOD OF INCINERATION WHICH MUST BE LANDFILLED. RECYCLING OF HAZARDOUS WASTE ALSO PRODUCES WASTES WHICH MUST BE LANDFILLED AFTER TREATMENT. KEEP IN MIND THAT ALL WASTES RESULTING FROM THE HAZARDOUS WASTE INCINERATION, TREATMENT, AND RECYCLING, ARE STILL HAZARDOUS WASTE UNDER FEDERAL LAW AND MUST BE HANDLED OR DISPOSED OF AS HAZARDOUS WASTES, HOWEVER INERT THEY BECOME AFTER PROCESSING.

NOT TO RECOGNIZE, ALBEIT IN A CHANGING FORM, THE CONTINUED AND VITAL ROLE OF LAND DISPOSAL AS AN NECESSARY, INTERGAL AND COST EFFECTIVE PART OF THE OVERALL HAZARDOUS WASTE MANAGEMENT SYSTEM, IS THE EQUIVALENT OF BURYING ONE'S HEAD IN THE SAND. IT IS NONSENSE TO ATTEMPT TO MEASURE AND DEFINE TOMORROW'S HAZARDOUS WASTE MANAGEMENT SYSTEMS BY REFERENCE TO DISPOSAL PRACTICES WHICH HAVE BEEN DISCARDED AS INADEQUATE AND NO LONGER UTILIZED. WE CANNOT CRAFT SOUND WASTE MANAGEMENT PROGRAMS IF WE CONTINUE TO BASE THOSE PROGRAMS ON THE PERCEPTION OF A LANDFILL AS NOTHING MORE THAN THE "WASTE DUMP: OF ALL TOO RECENT PAST EXPERIENCE.

I SIMPLY FAIL TO FIND ANY REAL NECESSITY FOR ENACTMENT OF HB 2725. THERE IS AMPLE TIME TO CONSIDER THE FULL IMPACT OF THE REVISIONS TO FEDERAL LAW WHICH ARE NOW BEFORE THE U.S. SENATE FOR PASSAGE.

IN POINT OF FACT, THERE IS NO BELOW GROUND HAZARDOUS WASTE DISPOSAL FACILITY IN OPERATION IN THE STATE OF KANSAS TODAY OR HAS THERE BEEN SINCE JANUARY, 1982.

FURTHER, ALTHOUGH CWM HAS SUBMITTED AN APPLICATION FOR A HAZARDOUS WASTE TREATMENT AND DISPOSAL FACILITY PERMIT TO BE LOCATED ON OUR FURLEY SITE, A DECISION ON THE ISSUANCE OF THAT PERMIT IS OPTIMISTICALLY MORE THAN A YEAR AWAY. ALTHOUGH THE APPLICATION, WHICH IS CALLED A RCRA PART B APPLICATION, IS NOW UNDERGOING WHAT IS CALLED A COMPLETENESS REVIEW, THE 240 DAY TIME CONSTRAINT FOR THE SECRETARIES ACTION UNDER EXISTING LAW DOES NOT BEGIN UNTIL U.S. EPA AND KDHE HAVE DETERMINED THAT THE APPLICATION IS COMPLETE AND READY FOR TECHNICAL REVIEW. I HAVE NO ESTIMATE OF A POSSIBLE DATE BY WHICH THE COMPLETENESS REVIEW WILL BE FINISHED AND THE 240 DAY TECHNICAL REVIEW PERIOD BEGINS. THE PERMIT APPLICATION, AFTER REVIEW AND ACCEPTANCE BY THE SECRETARY MUST THEN BE SUBMITTED TO THE HAZARDOUS WASTE FACILITY APPROVAL BOARD WHICH IS REQUIRED TO RENDER A DECISION WITHIN 130 DAYS. STATE AND FEDERAL LAW REQUIRE A PUBLIC NOTICE HEARING BEFORE THE BOARD BEFORE ANY PERMIT CAN BE GRANTED. ADDITIONALLY, UNTIL SUCH TIME AS THE STATE OF KANSAS RECEIVES RCRA PERMITTING AUTHORITY FROM U.S. EPA, CWM WILL BE REQUIRED TO RECEIVE A PERMIT FROM U.S. EPA BEFORE ANY OPERATIONS UNDER A KANSAS PERMIT CAN BEGIN.

EXISTING KANSAS LAWS AND REGULATIONS GIVE COMPLETE AUTHORITY TO THE SECRETARY TO DO EVERYTHING SET OUT IN HB 2725.

1. EXISTING KANSAS LAWS PRESENTLY GIVE THE SECRETARY OF KDHE AMPLE AUTHORITY TO PROHIBIT THE BELOW GROUND DISPOSAL OF ANY HAZARDOUS WASTE AS NECESSARY TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.
2. EXISTING KANSAS LAWS GIVE THE SECRETARY OF KDHE AUTHORITY AND REQUIRE THAT THE SECRETARY ORDER A DISCONTINUANCE OF THE USE OF GROUND BURIAL ON A FINDING THAT THERE IS AN ALTERNATIVE METHOD OF DISPOSAL AVAILABLE WHICH IS ENVIRONMENTALLY MORE DESIRABLE.
3. EXISTING KANSAS LAWS REQUIRE THAT ANY PERMIT ISSUED BY THE SECRETARY MUST INCLUDE APPROVAL BY THE SECRETARY OF THE TYPES AND QUANTITIES OF WASTES ALLOWABLE IN A DISPOSAL FACILITY.
4. KANSAS HAZARDOUS WASTE REGULATIONS REQUIRE A DISPOSAL AUTHORIZATION FOR KDHE FOR EACH INDIVIDUAL WASTE STREAM PRIOR TO DISPOSAL.
5. KANSAS HAZARDOUS WASTE REGULATIONS PROVIDE THAT ANY APPLICANT FOR A DISPOSAL AUTHORIZATION MAY BE REQUIRED TO PROVIDE A WRITTEN REPORT DESCRIBING WHY A WASTE CANNOT BE RECYCLED OR DISPOSED OF BY A METHOD OTHER THAN LAND BURIAL.
6. KANSAS HAZARDOUS WASTE REGULATIONS PROVIDE THAT THE SECRETARY CAN GRANT AN EXCEPTION (VARIANCE) TO THE RULES AND REGULATIONS IF THE SECRETARY FINDS, BASED ON DATA

SUBMITTED TO THE SECRETARY BY THE APPLICANT, THAT GRANT OF THE VARIANCE WILL NOT ENDANGER HUMAN HEALTH OR SAFETY AND THE ENVIRONMENT AND WILL COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS.

A FURTHER POINT OF FACT--ALTHOUGH THE STATUTORY AUTHORITY HAS BEEN ON THE BOOKS SINCE 1981, NO ACTION HAS BEEN TAKEN UNDER THAT AUTHORITY. PROPOSED K.S.A. 65-3443(c) REQUIRES THAT THE SECRETARY ADOPT MORE RULES AND REGULATIONS, BUT SUCH LANGUAGE CAN BE MEANINGLESS UNLESS A TIME CONSTRAINT FOR ADOPTION OF THE REGULATIONS IS INCLUDED.

I HAVE PREPARED TWO DRAFTS OF PROPOSED LANGUAGE FOR A REVISED K.S.A. 65-3443(b). THE FIRST VERSION WOULD PROHIBIT THE LANDFILL DISPOSAL OF ALL BUT FOUR TYPES OF WASTES. THE SECOND VERSION PROHIBITS THE LAND DISPOSAL OF A LONGER LIST OF WASTES. AS DRAFTED I BELIEVE THAT ADOPTION OF EITHER OR A COMBINATION OF BOTH WOULD PROVIDE A REASONABLE AND RESPONSIBLE BELOW GROUND DISPOSAL BAN AND WILL BE CONSISTENT WITH THE FEDERAL BANS WHICH WILL BE ESTABLISHED.

FINALLY, I HAVE REDRAFTED THE PROPOSED NEW SECTION 3 REGARDING THE SMALL GENERATOR EXEMPTION TO MAKE IT CONSISTENT WITH THE FORTHCOMING FEDERAL LAW AND TO PROVIDE STATUTORY EMPHASIS TO EXISTING FEDERAL LAW FOR THE EXEMPTION OF QUANTITIES OF ACUTELY HAZARDOUS WASTES.

HOUSE BILL No. 2725

By Committee on Energy and Natural Resources

1-20

0018 AN ACT concerning hazardous waste; relating to the powers and
0019 duties of the secretary of the department of health and envi-
0020 ronment; amending K.S.A. 1983 Supp. 65-3430 and 65-3443
0021 and repealing the existing section sections.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section. 1. K.S.A. 1983 Supp. 65-3430 is hereby amended to
0024 read as follows: 65-3430. As used in K.S.A. 1983 Supp. 65-3430 to
0025 65-3448, and amendments thereto:

0026 (a) "Board" means the hazardous waste disposal facility ap-
0027 proval board.

0028 (b) "Department" means the Kansas department of health
0029 and environment.

0030 (c) "Disposal" means the discharge, deposit, injection,
0031 dumping, spilling, leaking or placing of any hazardous waste into
0032 or on any land or water so that such hazardous waste or any
0033 constituent thereof may enter the environment or be emitted in
0034 the air or discharged into any water in the state.

0035 (d) "Facility" means all contiguous land, structures and other
0036 appurtenances and improvements on the land utilized for the
0037 purpose of treating, storing, or disposing of hazardous waste. A
0038 facility may consist of several treatment, storage, or disposal
0039 operational units such as (1) one or more landfills; (2) surface
0040 impoundments; (3) treatment units or (4) combinations of (1), (2)
0041 or (3).

0042 (e) "Generator" means any person producing or bringing into
0043 existence hazardous waste.

0044 (f) "Hazardous waste" means waste or combination of wastes
0045 which because of its quantity, concentration or physical, chemi-
0046 cal or infectious characteristics is determined by the secretary to

Atch. 4

Attach

0047 be dangerous to human health or present a substantial existing or
0048 potential hazard to the environment when improperly managed.
0049 Such term shall include radioactive hazardous waste. Such term
0050 shall not include: (1) Household waste; or (2) agricultural waste
0051 returned to the soil as fertilizer; or (3) mining waste and over-
0052 burden from the extraction, beneficiation and processing of ores
0053 and minerals, if returned to the mine site; or (4) drilling fluids,
0054 produced waters and other wastes associated with the explora-
0055 tion, development and production of crude oil, natural gas or
0056 geothermal energy; or (5) fly ash, bottom ash, slag and flue gas
0057 emission control wastes generated primarily from the combus-
0058 tion of coal or other fossil fuels; or (6) cement kiln dust.

0059 (g) "Hazardous waste disposal facility" means all contiguous
0060 land, structures and other appurtenances, and improvements on
0061 the land utilized for the disposal of hazardous waste.

0062 (h) "Hazardous waste storage facility" means a location
0063 where hazardous waste is held for a temporary period at the end
0064 of which the hazardous waste is treated, stored or disposed of at
0065 another location. Such term shall not include (1) a location at the
0066 place of waste generation where hazardous waste is accumulated
0067 for a period of 90 days or less in accordance with rules and
0068 regulations adopted by the secretary or (2) a transfer facility
0069 where a transporter is storing manifested shipments of hazardous
0070 waste in containers approved by the secretary for a period of 10
0071 days or less.

0072 (i) "Hazardous waste treatment facility" means any location,
0073 except a publicly owned treatment works holding a permit is-
0074 sued under K.S.A. 65-165, and amendments thereto, where any
0075 method, technique or process is applied to hazardous waste to
0076 change its physical, biological or chemical characteristics or to
0077 render such waste nonhazardous, safer for transport or disposal,
0078 amenable for recovery or storage or reduced in volume.

0079 (j) "Hazardous waste management system" means the sys-
0080 tematic control of the collection, separation, storage, transporta-
0081 tion, treatment, recovery and disposal of hazardous waste by any
0082 person.

0083 (k) "License" means the document issued to a person by the

0084 secretary under the authority of K.S.A. 48-1607, and amendments
0085 thereto, which allows such person to construct and operate a
0086 radioactive hazardous waste storage or disposal facility in the
0087 state.

0088 (l) "Manifest" means the form prescribed by the secretary to
0089 be used for identifying the quantity, composition, origin and the
0090 routing and destination of hazardous waste during its transpor-
0091 tation from the point of generation to the point of disposal,
0092 treatment or storage or at any point in between.

0093 (m) "Modification" means the expansion or enlargement of a
0094 facility beyond the permitted boundaries established by an ex-
0095 isting permit issued by the secretary or any material or substan-
0096 tial alteration or addition to an existing permitted facility which
0097 would justify the application of permit conditions that would be
0098 materially or substantially different from the conditions of the
0099 existing permit or are absent from the existing permit.

0100 (n) "Monitoring" means all procedures used to (1) systemat-
0101 ically inspect and collect data on the operational parameters of a
0102 facility or a transporter, or (2) to systematically collect and
0103 analyze data on the quality of the air, groundwater, surface water
0104 or soil on or in the vicinity of a hazardous waste disposal, storage
0105 or treatment facility.

0106 (o) "On-site facility" means a facility which is located on
0107 property contiguous to or divided only by a public or private way
0108 from the source of generation and which is solely owned and
0109 operated by the generator exclusively for the treatment, storage
0110 or disposal of wastes which have been generated on the contig-
0111 uous property.

0112 (p) "Permit" means the document issued to a person by the
0113 secretary which allows such person to construct and operate a
0114 hazardous waste treatment, storage or disposal facility in the
0115 state.

0116 (q) "Person" means an individual, partnership, firm, trust,
0117 company, association, corporation, institution, political subdivi-
0118 sion or state or federal agency.

0119 (r) "Radioactive hazardous waste" means discarded by-prod-
0120 uct material, source material, or special nuclear material as

0121 defined by K.S.A. 48-1603, and amendments thereto.

0122 (c) "Secretary" means the secretary of the department of
0123 health and environment.

0124 (t) "Short-term storage" means (1) the accumulation of haz-
0125 ardous waste for a period of 90 days or less at an "on-site facility"
0126 in accordance with rules and regulations adopted by the secre-
0127 tary or (2) the temporary storing of manifested shipments of
0128 hazardous wastes in containers approved by the secretary on or
0129 in the property of the transporter for a period of 10 days or less.

0130 (u) "Storage" means the containment of hazardous waste,
0131 either on a temporary basis or for a period of years, in such a
0132 manner as not to constitute disposal of the hazardous waste.
0133 "Short-term storage" as defined in subsection (t), does not con-
0134 stitute "storage".

0135 (v) "Transporter" means any person who conveys or moves
0136 hazardous waste from the point of its generation or any other
0137 point to a treatment, storage or disposal facility or any point in
0138 between.

0139 (w) "Treatment" means any method, technique, or process
0140 designed to change the physical, chemical or biological charac-
0141 teristics or composition of any hazardous waste so as to neutral-
0142 ize such waste or as to render such waste nonhazardous, safer for
0143 transport, amenable for recovery or storage, convertible to an-
0144 other usable material or reduced in volume and suitable for
0145 ultimate disposal.

0146 (x) "Waste" means any garbage, refuse, sludge or other dis-
0147 carded material which is abandoned or committed to treatment,
0148 storage or disposal, including solid, liquid, semisolid, or con-
0149 tained gaseous materials resulting from industrial, commercial,
0150 mining, and agricultural activities; and including discarded by-
0151 product material, source material, or special nuclear material as
0152 defined in K.S.A. 48-1603, and amendments thereto. Waste does
0153 not include solid or dissolved materials in domestic sewage, in
0154 irrigation return flows, or solid or dissolved materials or indus-
0155 trial discharges which are point sources subject to permits under
0156 K.S.A. 65-165, and amendments thereto.

0157 (y) "Mound landfill" means a disposal process by which

0158 hazardous waste is placed above the natural gradient of the
 0159 surface and where the waste will remain after closure. The
 0160 landfill upon closure shall be covered with materials approved
 0161 by the secretary to prevent infiltration of liquids into the land-
 0162 fill.

0163 (z) "Underground injection" means the subsurface empla-
 0164 cement of fluids through a well for which a permit has been
 0165 issued by the secretary.

0166 (aa) "Land treatment" means the practice of applying haz-
 0167 ardous waste onto or incorporating hazardous waste into the
 0168 soil surface so that it degrades or decomposes and renders the
 0169 waste nonhazardous.

0170 (bb) "Above ground storage" means the placement of con-
 0171 tainerized hazardous waste into an above ground structure for a
 0172 temporary period prior to the reuse or ultimate treatment or
 0173 disposal of such waste.

0174 (cc) "Closure plan" means a written document which iden-
 0175 tifies the procedures by which the owner or operator of a
 0176 hazardous waste management facility will close such facility so
 0177 as to control, minimize or eliminate, to the extent necessary to
 0178 prevent a threat to human health and the environment, post-
 0179 closure escape of hazardous waste, hazardous waste constitu-
 0180 ents, leachate, contaminated rainfall or waste decomposition
 0181 products to the ground, groundwater, surface waters or to the
 0182 atmosphere.

0183 (dd) "Post-closure plan" means the written document which
 0184 identifies the procedures by which the owner or operator of a
 0185 hazardous waste management facility shall provide, for a min-
 0186 imum of 30 years, for groundwater protection, site security and
 0187 maintenance of cover and leachate collection systems.

0188 Section 4 Sec. 2. K.S.A. 1983 Supp. 65-3443 is hereby
 0189 amended to read as follows: 65-3443. (a) If the secretary finds
 0190 that the generation, accumulation, management or discharge of a
 0191 hazardous waste by any person (1) is or threatens to cause
 0192 pollution of the land, air, or waters of the state or (2) is or
 0193 threatens to become a hazard to persons, property or public
 0194 health or safety or (3) that the rules and regulations adopted

Between Line 0187 and 0188, add the following:

(ee) "Acutely hazardous waste" means a commercial chemical product or manufacturing chemical intermediate having a generic name listed in 40 CFR 261.33(e), or an off-specification commercial chemical product or manufacturing chemical intermediate which, if either met specifications, would have a generic name listed in 40 CFR 261.33(e).

0195 *pursuant to this act have been violated, the secretary may order*
0196 *the person to modify the generation, accumulation or manage-*
0197 *ment of the hazardous waste or to provide and implement such*
0198 *hazardous waste management systems procedures as will pre-*
0199 *vent or remove the pollution or hazard or take any other action*
0200 *deemed necessary.* The secretary may order any person having a
0201 permit issued under this act, and who operates a public or
0202 commercial hazardous waste management system or any part
0203 thereof facility, which the secretary finds suitable to manage the
0204 hazardous waste, to provide and implement a hazardous waste
0205 management system or part thereof procedures to prevent or
0206 remove such pollution or hazard. Such order shall specify a fair
0207 compensation to the owner or permittee for property taken or
0208 used and shall specify the terms and conditions under which the
0209 permittee shall provide the hazardous waste management ser-
0210 vices. Any order issued shall specify the length of time after
0211 receipt of the order during which the person or permittee shall
0212 provide or implement the hazardous waste management system
0213 procedures or modify the generation, accumulation or manage-
0214 ment of the hazardous waste.

0215 (b) If the secretary after consideration of the economic im-
0216 pact on the generator finds that there is an environmentally more
0217 desirable procedure available other than ground burial for the
0218 disposal of a particular type of hazardous waste, the secretary
0219 shall order that the use of ground burial for the disposal of that
0220 type of hazardous waste be discontinued. The secretary in de-
0221 veloping such consideration may require the generator to pro-
0222 vide information and plans for potential environmentally more
0223 desirable procedures. *Ground burial of hazardous waste is*
0224 *hereby prohibited in the state of Kansas. Any existing hazardous*
0225 *waste disposal facility which utilizes ground burial shall cease*
0226 *burial activities and shall implement closure and post-closure*
0227 *plans and procedures which have been approved by the secre-*
0228 *tary.*

~~0229 (b) The below ground burial of hazardous waste is hereby~~
~~0230 prohibited in the state of Kansas. Such prohibition shall not be~~
~~0231 construed as prohibiting mound landfill, above ground storage,~~
~~0232 land treatment or underground injection of hazardous waste. Any~~
~~0233 existing hazardous waste disposal facility which utilizes below-~~
~~0234 ground burial shall cease such burial practices and, with the~~
~~0235 approval of the secretary, shall implement closure and post-~~
~~0236 closure plans on all hazardous wastes which have been disposed~~
~~0237 of below ground~~

0238 (c) The secretary shall adopt rules and regulations providing
 0239 for approval of closure and post-closure plans, establishing
 0240 standards for mound landfill, underground injection, land
 0241 treatment and above ground storage of hazardous waste and
 0242 establishing standards for the granting of exceptions to the
 0243 prohibition of below ground burial of hazardous wastes.
 0244 (d) The secretary may grant an exception to the prohibition
 0245 of below ground burial of hazardous waste. If the person seek
 0246 ing such exception demonstrates that the hazardous waste in-
 0247 tended to be buried below ground does not pose a present or
 0248 potential threat to the public health or the environment pursu-
 0249 ant to rules and regulations adopted by the secretary, the
 0250 secretary shall grant an exception.

Beginning with line 0229, strike the proposed sub-section (b) and insert the following:

(b) The below ground burial of hazardous wastes is prohibited in the state of Kansas except for the following types of wastes:

(1) Residues, except liquids, from the treatment or incineration of hazardous wastes which do not exhibit the characteristics of hazardous waste as identified in 40 CFR Part 261, Subpart C.

(2) Treatment sludges from water and wastewater treatment plants containing less than 1% organic material which have been neutralized and then solidified by a cement or pozzolanic process or by a thermoplastic, organic polymer or surface encapsulation technique approved by the secretary.

(3) Hazardous wastes, except liquids, having an acute oral rat LD₅₀ greater than 500 milligrams per kilogram body weight, an aquatic LC₅₀ greater than 100 milligrams per liter, an equivalent concentration of persistent compounds of less than 0.01% and not EP toxic as defined in 40 CFR 261.24.

(4) Solid hazardous wastes which have been retrieved from below ground disposal may be reburied below ground pursuant to a closure, post-closure, remedial action or clean up plan approved or ordered by the secretary.

Such prohibition shall not apply to mound landfill, above ground storage, land treatment or underground injection of hazardous waste.

In line 0238 after the word "regulations" insert "within 120 days of the effective date of this act".

0251 (e) (e) Any party aggrieved by an order under this section
 0252 shall have the right of appeal in accordance with the provisions
 0253 of K.S.A. 1981 Supp. 65-3440, and amendments thereto.

0254 ~~New Sec. 3. (a) All generators of more than 75 kilograms of~~
 0255 ~~hazardous waste each month shall be subject to regulation by the~~
 0256 ~~secretary pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and~~
 0257 ~~amendments thereto, on and after July 1, 1984.~~

0258 ~~(b) All generators of more than 50 kilograms of hazardous~~
 0259 ~~waste each month shall be subject to regulation by the secretary~~
 0260 ~~pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and amendments~~
 0261 ~~thereto, on and after July 1, 1985.~~

0262 ~~(c) All generators of more than 25 kilograms of hazardous~~
 0263 ~~waste each month shall be subject to regulation by the secretary~~
 0264 ~~pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and amendments~~
 0265 ~~thereto, on and after July 1, 1986.~~

0266 ~~(d) All generators of more than 10 kilograms of hazardous~~
 0267 ~~waste each month shall be subject to regulation by the secretary~~
 0268 ~~pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and amendments~~
 0269 ~~thereto, on and after July 1, 1987.~~

0270 Sec. 2. K.S.A. 1983 Supp. 65-3443 is hereby repealed.

0271 Sec. 4. K.S.A. 1983 Supp. 65-3430 and 65-3443 are hereby
 0272 repealed.

0273 Sec. 3.5. This act shall take effect and be in force from and
 0274 after its publication in the statute book.

Beginning with Line 0254, strike the proposed new Section 3 and insert the following:

New Sec. 3

(a) Any person who generates a total of 2.2 pounds (one kilogram) or more of acutely hazardous waste as defined in K.S.A. 65-3430(ee) in any calendar month shall be subject to regulation by the secretary pursuant to K.S.A. 65-3430 et seq. and amendments thereto.

(b) Any person who generates any hazardous waste, which is not an acutely hazardous waste, in any calendar month shall be subject to regulation by the secretary pursuant to K.S.A. 65-3430 et seq. and amendments thereto in accordance with the following schedule:

(1) On and after July 1, 1984, all persons generating 220 pounds (100 kilograms) or more per month.

(2) On and after January 1, 1985, all persons generating 165 pounds (75 kilograms) or more per month.

(3) On and after July 1, 1985, all persons generating 110 pounds (50 kilograms) or more per month.

(4) On and after January 1, 1986, all persons generating 55 pounds (25 kilograms) or more per month.

HOUSE BILL No. 2725

By Committee on Energy and Natural Resources

1-20

Attachments

0018 AN ACT concerning hazardous waste; relating to the powers and
0019 duties of the secretary of the department of health and envi-
0020 ronment; amending K.S.A. 1983 Supp. 65-3430 and 65-3443
0021 and repealing the existing ~~section~~ sections.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section. 1. K.S.A. 1983 Supp. 65-3430 is hereby amended to
0024 read as follows: 65-3430. As used in K.S.A. 1982 Supp. 65-3430 to
0025 65-3448, and amendments thereto:

0026 (a) "Board" means the hazardous waste disposal facility ap-
0027 proval board.

0028 (b) "Department" means the Kansas department of health
0029 and environment.

0030 (c) "Disposal" means the discharge, deposit, injection,
0031 dumping, spilling, leaking or placing of any hazardous waste into
0032 or on any land or water so that such hazardous waste or any
0033 constituent thereof may enter the environment or be emitted in
0034 the air or discharged into any water in the state.

0035 (d) "Facility" means all contiguous land, structures and other
0036 appurtenances and improvements on the land utilized for the
0037 purpose of treating, storing, or disposing of hazardous waste. A
0038 facility may consist of several treatment, storage, or disposal
0039 operational units such as (1) one or more landfills; (2) surface
0040 impoundments; (3) treatment units or (4) combinations of (1), (2)
0041 or (3).

0042 (e) "Generator" means any person producing or bringing into
0043 existence hazardous waste.

0044 (f) "Hazardous waste" means waste or combination of wastes
0045 which because of its quantity, concentration or physical, chemi-
0046 cal or infectious characteristics is determined by the secretary to

Attch. 5

2

0047 be dangerous to human health or present a substantial existing or
0048 potential hazard to the environment when improperly managed.
0049 Such term shall include radioactive hazardous waste. Such term
0050 shall not include: (1) Household waste; or (2) agricultural waste
0051 returned to the soil as fertilizer; or (3) mining waste and over-
0052 burden from the extraction, beneficiation and processing of ores
0053 and minerals, if returned to the mine site; or (4) drilling fluids,
0054 produced waters and other wastes associated with the explora-
0055 tion, development and production of crude oil, natural gas or
0056 geothermal energy; or (5) fly ash, bottom ash, slag and flue gas
0057 emission control wastes generated primarily from the combus-
0058 tion of coal or other fossil fuels; or (6) cement kiln dust.

0059 (g) "Hazardous waste disposal facility" means all contiguous
0060 land, structures and other appurtenances, and improvements on
0061 the land utilized for the disposal of hazardous waste.

0062 (h) "Hazardous waste storage facility" means a location
0063 where hazardous waste is held for a temporary period at the end
0064 of which the hazardous waste is treated, stored or disposed of at
0065 another location. Such term shall not include (1) a location at the
0066 place of waste generation where hazardous waste is accumulated
0067 for a period of 90 days or less in accordance with rules and
0068 regulations adopted by the secretary or (2) a transfer facility
0069 where a transporter is storing manifested shipments of hazardous
0070 waste in containers approved by the secretary for a period of 10
0071 days or less.

0072 (i) "Hazardous waste treatment facility" means any location,
0073 except a publicly owned treatment works holding a permit is-
0074 sued under K.S.A. 65-165, *and amendments thereto*, where any
0075 method, technique or process is applied to hazardous waste to
0076 change its physical, biological or chemical characteristics or to
0077 render such waste nonhazardous, safer for transport or disposal,
0078 amenable for recovery or storage or reduced in volume.

0079 (j) "Hazardous waste management system" means the sys-
0080 tematic control of the collection, separation, storage, transporta-
0081 tion, treatment, recovery and disposal of hazardous waste by any
0082 person.

0083 (k) "License" means the document issued to a person by the

0084 secretary under the authority of K.S.A. 48-1607, and amendments
0085 thereto, which allows such person to construct and operate a
0086 radioactive hazardous waste storage or disposal facility in the
0087 state.

0088 (l) "Manifest" means the form prescribed by the secretary to
0089 be used for identifying the quantity, composition, origin and the
0090 routing and destination of hazardous waste during its transpor-
0091 tation from the point of generation to the point of disposal,
0092 treatment or storage or at any point in between.

0093 (m) "Modification" means the expansion or enlargement of a
0094 facility beyond the permitted boundaries established by an ex-
0095 isting permit issued by the secretary or any material or substan-
0096 tial alteration or addition to an existing permitted facility which
0097 would justify the application of permit conditions that would be
0098 materially or substantially different from the conditions of the
0099 existing permit or are absent from the existing permit.

0100 (n) "Monitoring" means all procedures used to (1) systemat-
0101 ically inspect and collect data on the operational parameters of a
0102 facility or a transporter, or (2) to systematically collect and
0103 analyze data on the quality of the air, groundwater, surface water
0104 or soil on or in the vicinity of a hazardous waste disposal, storage
0105 or treatment facility.

0106 (o) "On-site facility" means a facility which is located on
0107 property contiguous to or divided only by a public or private way
0108 from the source of generation and which is solely owned and
0109 operated by the generator exclusively for the treatment, storage
0110 or disposal of wastes which have been generated on the contig-
0111 uous property.

0112 (p) "Permit" means the document issued to a person by the
0113 secretary which allows such person to construct and operate a
0114 hazardous waste treatment, storage or disposal facility in the
0115 state.

0116 (q) "Person" means an individual, partnership, firm, trust,
0117 company, association, corporation, institution, political subdivi-
0118 sion or state or federal agency.

0119 (r) "Radioactive hazardous waste" means discarded by-prod-
0120 uct material, source material, or special nuclear material as

0121 defined by K.S.A. 48-1603, and amendments thereto.

0122 (s) "Secretary" means the secretary of the department of
0123 health and environment.

0124 (t) "Short-term storage" means (1) the accumulation of haz-
0125 ardous waste for a period of 90 days or less at an "on-site facility"
0126 in accordance with rules and regulations adopted by the secre-
0127 tary or (2) the temporary storing of manifested shipments of
0128 hazardous wastes in containers approved by the secretary on or
0129 in the property of the transporter for a period of 10 days or less.

0130 (u) "Storage" means the containment of hazardous waste,
0131 either on a temporary basis or for a period of years, in such a
0132 manner as not to constitute disposal of the hazardous waste.
0133 "Short-term storage" as defined in subsection (t), does not con-
0134 stitute "storage".

0135 (v) "Transporter" means any person who conveys or moves
0136 hazardous waste from the point of its generation or any other
0137 point to a treatment, storage or disposal facility or any point in
0138 between.

0139 (w) "Treatment" means any method, technique, or process
0140 designed to change the physical, chemical or biological charac-
0141 teristics or composition of any hazardous waste so as to neutral-
0142 ize such waste or as to render such waste nonhazardous, safer for
0143 transport, amenable for recovery or storage, convertible to an-
0144 other usable material or reduced in volume and suitable for
0145 ultimate disposal.

0146 (x) "Waste" means any garbage, refuse, sludge or other dis-
0147 carded material which is abandoned or committed to treatment,
0148 storage or disposal, including solid, liquid, semisolid, or con-
0149 tained gaseous materials resulting from industrial, commercial,
0150 mining, and agricultural activities; and including discarded by-
0151 product material, source material, or special nuclear material as
0152 defined in K.S.A. 48-1603, and amendments thereto. Waste does
0153 not include solid or dissolved materials in domestic sewage, in
0154 irrigation return flows, or solid or dissolved materials or indus-
0155 trial discharges which are point sources subject to permits under
0156 K.S.A. 65-165, and amendments thereto.

0157 (y) "Mound landfill" means a disposal process by which

0158 hazardous waste is placed above the natural gradient of the
0159 surface and where the waste will remain after closure. The
0160 landfill upon closure shall be covered with materials approved
0161 by the secretary to prevent infiltration of liquids into the land-
0162 fill.

0163 (z) "Underground injection" means the subsurface empla-
0164 cement of fluids through a well for which a permit has been
0165 issued by the secretary.

0166 (aa) "Land treatment" means the practice of applying haz-
0167 ardous waste onto or incorporating hazardous waste into the
0168 soil surface so that it degrades or decomposes and renders the
0169 waste nonhazardous.

0170 (bb) "Above ground storage" means the placement of con-
0171 tainerized hazardous waste into an above ground structure for a
0172 temporary period prior to the reuse or ultimate treatment or
0173 disposal of such waste.

0174 (cc) "Closure plan" means a written document which iden-
0175 tifies the procedures by which the owner or operator of a
0176 hazardous waste management facility will close such facility so
0177 as to control, minimize or eliminate, to the extent necessary to
0178 prevent a threat to human health and the environment, post-
0179 closure escape of hazardous waste, hazardous waste constitu-
0180 ents, leachate, contaminated rainfall or waste decomposition
0181 products to the ground, groundwater, surface waters or to the
0182 atmosphere.

0183 (dd) "Post-closure plan" means the written document which
0184 identifies the procedures by which the owner or operator of a
0185 hazardous waste management facility shall provide, for a min-
0186 imum of 30 years, for groundwater protection, site security and
0187 maintenance of cover and leachate collection systems.

0188 Section 4 Sec. 2. K.S.A. 1983 Supp. 65-3443 is hereby
0189 amended to read as follows: 65-3443. (a) If the secretary finds
0190 that the generation, accumulation, management or discharge of a
0191 hazardous waste by any person (1) is or threatens to cause
0192 pollution of the land, air, or waters of the state or (2) is or
0193 threatens to become a hazard to persons, property or public
0194 health or safety or (3) that the rules and regulations adopted

Between Line 0187 and 0188, add the following:

(ee) "Acutely hazardous waste" means a commercial chemical product or manufacturing chemical intermediate having a generic name listed in 40 CFR 261.33(e), or an off-specification commercial chemical product or manufacturing chemical intermediate which, if either met specifications, would have a generic name listed in 40 CFR 261.33(e).

0195 *pursuant to this act have been violated*, the secretary may order
0196 the person to modify the generation, accumulation or manage-
0197 ment of the hazardous waste or to provide and implement such
0198 hazardous waste management *systems procedures* as will pre-
0199 vent or remove the pollution or hazard *or take any other action*
0200 *deemed necessary*. The secretary may order any person having a
0201 permit issued under this act, and who operates a public or
0202 commercial hazardous waste management system or any part
0203 thereof *facility*, which the secretary finds suitable to manage the
0204 hazardous waste, to provide and implement a hazardous waste
0205 management system or part thereof *procedures* to prevent or
0206 remove such pollution or hazard. Such order shall specify a fair
0207 compensation to the owner or permittee for property taken or
0208 used and shall specify the terms and conditions under which the
0209 permittee shall provide the hazardous waste management ser-
0210 vices. Any order issued shall specify the length of time after
0211 receipt of the order during which the person or permittee shall
0212 provide or implement the hazardous waste management system
0213 *procedures* or modify the generation, accumulation or manage-
0214 ment of the hazardous waste.

0215 (b) If the secretary after consideration of the economic im-
0216 pact on the generator finds that there is an environmentally more
0217 desirable procedure available other than ground burial for the
0218 disposal of a particular type of hazardous waste, the secretary
0219 shall order that the use of ground burial for the disposal of that
0220 type of hazardous waste be discontinued. The secretary in de-
0221 veloping such consideration may require the generator to pro-
0222 vide information and plans for potential environmentally more
0223 desirable procedures *Ground burial of hazardous waste is*
0224 *hereby prohibited in the state of Kansas. Any existing hazardous*
0225 *waste disposal facility which utilizes ground burial shall cease*
0226 *burial activities and shall implement closure and post-closure*
0227 *plans and procedures which have been approved by the secre-*
0228 *tary.*

~~0229 (b) The below ground burial of hazardous waste is hereby~~
~~0230 prohibited in the state of Kansas. Such prohibition shall not be~~
~~0231 construed as prohibiting mound landfill, above ground storage,~~
~~0232 land treatment or underground injection of hazardous waste. Any~~
~~0233 existing hazardous waste disposal facility which utilizes below~~
~~0234 ground burial shall cease such burial practices and with the~~
~~0235 approval of the secretary, shall implement closure and post-~~
~~0236 closure plans on all hazardous wastes which have been disposed~~
~~0237 of below ground.~~

0238 (c) The secretary shall adopt rules and regulations providing
 0239 for approval of closure and post-closure plans, establishing
 0240 standards for mound landfill, underground injection, land
 0241 treatment and above ground storage of hazardous waste and
 0242 establishing standards for the granting of exceptions to the
 0243 prohibition of below ground burial of hazardous wastes.

0244 (d) The secretary may grant an exception to the prohibition
 0245 of below ground burial of hazardous waste. If the person seek-
 0246 ing such exception demonstrates that the hazardous waste in-
 0247 tended to be buried below ground does not pose a present or
 0248 potential threat to the public health or the environment pursu-
 0249 ant to rules and regulations adopted by the secretary, the
 0250 secretary shall grant an exception.

Beginning with Line 0229, strike the proposed sub-section (b) and insert the following:

- (b) The below ground burial of hazardous wastes is prohibited in the state of Kansas as follows: (1) bulk or containerized liquid waste or waste containing free liquids, or (2) ignitable waste as defined in 40 CFR 261.21 unless the waste is treated, rendered or mixed before or immediately after placement so that the resulting waste, mixture or dissolution of materials no longer meets the definition of ignitable or (3) reactive waste as defined in 40 CFR 261.23 unless the waste is treated, rendered or mixed before or immediately after placement so that the resulting waste, mixture or dissolution of material no longer meets the definition of reactive or (4) incompatible wastes or incompatible wastes and materials if placed in the same below ground landfill cell or (5) containers unless they are at least 90 percent full; or crushed, shredded or similarly reduced in volume to the maximum practical extent; or unless they are very small, such as an ampule; or unless they are small containers of hazardous waste in overpacked drums (lab packs) packed and disposed of in accordance with 40 CFR 264.316 or (6) any hazardous waste which the secretary finds, based upon persistence, toxicity, mobility and the propensity to bioaccumulate, should not be disposed of by below ground burial in order to protect human health and the environment. To the extent consistent with Federal laws and regulations, such prohibitions shall not apply to mound landfill, above ground storage, land treatment or underground injection of hazardous waste.

In Line 0238 after the word "regulations" insert "within 120 days of the effective date of this act".

0251 (e) (e) Any party aggrieved by an order under this section
 0252 shall have the right of appeal in accordance with the provisions
 0253 of K.S.A. 1984 Supp. 65-3440, and amendments thereto.

0254 ~~New Sec. 3. (a) All generators of more than 75 kilograms of~~
 0255 ~~hazardous waste each month shall be subject to regulation by the~~
 0256 ~~secretary pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and~~
 0257 ~~amendments thereto, on and after July 1, 1984.~~

0258 ~~(b) All generators of more than 50 kilograms of hazardous~~
 0259 ~~waste each month shall be subject to regulation by the secretary~~
 0260 ~~pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and amendments~~
 0261 ~~thereto, on and after July 1, 1985.~~

0262 ~~(c) All generators of more than 25 kilograms of hazardous~~
 0263 ~~waste each month shall be subject to regulation by the secretary~~
 0264 ~~pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and amendments~~
 0265 ~~thereto, on and after July 1, 1986.~~

0266 ~~(d) All generators of more than 10 kilograms of hazardous~~
 0267 ~~waste each month shall be subject to regulation by the secretary~~
 0268 ~~pursuant to K.S.A. 1983 Supp. 65-3430 et seq., and amendments~~
 0269 ~~thereto, on and after July 1, 1987.~~

0270 Sec. 2. K.S.A. 1983 Supp. 65-3443 is hereby repealed.

0271 Sec. 4. K.S.A. 1983 Supp. 65-3430 and 65-3443 are hereby
 0272 repealed.

0273 Sec. 3.5. This act shall take effect and be in force from and
 0274 after its publication in the statute book.

Beginning with Line 0254, strike the proposed new Section 3 and insert the following:

New Sec. 3

(a) Any person who generates a total of 2.2 pounds (one kilogram) or more of acutely hazardous waste as defined in K.S.A. 65-3430(ee) in any calendar month shall be subject to regulation by the secretary pursuant to K.S.A. 65-3430 et seq. and amendments thereto.

(b) Any person who generates any hazardous waste, which is not an acutely hazardous waste, in any calendar month shall be subject to regulation by the secretary pursuant to K.S.A. 65-3430 et seq. and amendments thereto in accordance with the following schedule:

(1) On and after July 1, 1984, all persons generating 220 pounds (100 kilograms) or more per month.

(2) On and after January 1, 1985, all persons generating 165 pounds (75 kilograms) or more per month.

(3) On and after July 1, 1985, all persons generating 110 pounds (50 kilograms) or more per month.

(4) On and after January 1, 1986, all persons generating 55 pounds (25 kilograms) or more per month.

TESTIMONY TO THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
H.B. 2725 and Other Hazardous Waste Bills
PRESENTED BY D. WESTON STUCKY
KANSAS CITY KANSAS AREA CHAMBER OF COMMERCE

We are presenting testimony today to register our concern and offer recommendations for H.B. 2725 and other bills relative to hazardous waste management. We find that business and industry is interested in working cooperatively with the Kansas Department of Health & Environment to meet the United States Environmental Protection Agency regulations. We wonder if the Department shares this same interest.

Today business must meet the requirements of many laws dealing with the environment. Note for example the following federal enactments:

- The National Environmental Policy Act of 1969
- The Clean Air Amendments of 1970
- The Federal Water Pollution Control Act Amendments of 1972
- The Safe Drinking Water Act of 1974
- The Toxic Substance Control Act of 1976
- The Resource Conservation and Recovery Act of 1976
- The Comprehensive Environmental Response, Compensation and Liability Act of 1980

There are three federal programs that directly concern the land disposal of hazardous waste. Under the Toxic Substance Control Act of 1976 the Environmental Protection Agency is granted authority to limit or control the disposal of substances posing unreasonable risks. Both the Safe Drinking Water Act and the Resource Conservation and Recovery Act have provisions that cover the underground injection of hazardous waste. The latter also carefully defines hazardous wastes and, among other things specifies acceptable methods of disposal. The act also specifically defines some wastes as hazardous and other specific substances are not included in the definition. Some substances that meet the definition of hazardous waste are exempt from regulations for generators of small quantities who produce less than 1,000 kilograms per month. H.B. 2725 places the limit at 75 kilograms per month gradually reducing to a limit of 10. EPA's future proposals call for reduction to 100 kilograms. H.B. 2725 therefore is placing a burden on small businesses in Kansas who would not have to meet such stringent requirements were they located in other states.

EPA through this act also applies standards for treatment, disposal and storage of hazardous waste. Historically meeting EPA regulations has been a team effort between industry and the Kansas Department of Health & Environment. Reasonable and cost effective solutions could usually be found under this "partnership."

The staff upheaval at the department has caused much concern in our industrial community. Many professionals respected by EPA and private industry suddenly have left the department or have been reassigned to areas other than where their experience lies.

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The concerns of industry were further heightened when the Governor and the Secretary proposed to ban the burial of hazardous waste, create a super fund and provide broad discretionary powers to the Secretary. As originally defined under very broad terms provided in various bills, my house could be identified as a hazardous waste site. Fortunately the definition in H.B. 2725 has been amended to more closely coincide, but still remain more restrictive than, the EPA definition. The bill still contains provisions for wastes causing harm or "having the potential to cause harm" as determined by the Secretary.

We think responsible methods can be applied to state regulations that protect the environment, the public and the industrial community as well. Our curiosity lead us to the state of Illinois that applied an approach to hazardous waste that is reasonable, responsible and feasible rather than politically expedient.

Realizing the problem and necessity to develop reasonable solutions with representation of all sectors of the state ten committees were selected to study various aspects of the issue and were charged with the responsibility to study the problem, identify current laws and regulations and develop recommendations for improvement in the Illinois laws.

Each committee included legislative representatives, members of the business sector, the education field, the public sector and interested citizens and contained an impressive list of noted authorities in respective fields. An average of ten different members on each of nine committees covered the following aspects of hazardous waste:

- Enforcement
- Generation
- Alternative Technologies
- Public Awareness
- Public Health
- Emergency Response
- Administrative Processes
- Transportation and Handling
- Land Disposal

Each committee interviewed experts in the field and held hearings for public input. A final report of each of the committee's recommendation will be provided upon request.

This is certainly a different approach than we have witnessed in Kansas and upon review I'm certain you will agree that their philosophy is geared more for public/private partnership solutions rather than regulatory and enforcement in nature although regulation and enforcement are obviously included in the committee reports.

Some examples of findings and recommendations are cited below:

- The Enforcement Committee:

- Recognized that EPA defines hazardous waste
- Recommended the establishment of a waste coop to serve small generators
- Recommended that final RCRA permitting be completed by January, 1986
- Recommended increased inspections and the creation of a state agency to determine if certain wastes can be removed from regulations

- The Administrative Procedures Committee:

- Stated that the state currently and should continue to maintain a program substantially equivalent to federal programs
- Recommended that the types of hazardous waste by definition be reduced and that state, local and federal manifest forms be combined
- Recommended the continual use of EPA to eliminate duplicate forms
- Stated that new waste storage facilities are necessary in order that waste be properly managed. In short "siting is at the heart of any waste management strategy"
- Found that there is a current need for land disposal. "Even after the application of other technologies to reduce volume, Illinois industry depends on land disposal"

- The Generation Committee:

- Recommended that hazardous waste generator fees be imposed and that waste disposal fees be gradually increased.

The approach and attitude appears to be quite different in Illinois and other states where hazardous waste is defined as "waste which has been identified as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976."

A proposed amendment in Illinois has been drafted which will limit the disposal of liquid hazardous waste in landfills and allow it only after the generator demonstrates that the wastes cannot, within the limits of technology and economic reasonableness, be otherwise disposed of.

Although such terms may be somewhat ambiguous and subject to interpretation, it reflects a different attitude than what we see in Kansas. Industry understands their responsibility and supports legislation that is mutually developed, provides costs and regulations similar with other states and is not more restrictive than federal regulations.

Perhaps the Illinois method is advisable. Without involvement and with a lack of knowledge of intent or a feel for how the broad sections of the bill will be interpreted, industry is understandably opposed. Industry could have been a partner in the drafting of department regulations and proposed legislation. We ask that this massive and complex subject be delayed and that the Secretary be instructed to develop legislation together with industry as was done in Illinois. If this bill is passed business, particularly small businesses, including printing shops, dry cleaners and others can expect another regulatory burden that will include time spent on inspections, paperwork and increased costs.

We request that these possible impacts be weighed very carefully before legislation be passed.

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry

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A consolidation of the
Kansas State Chamber
of Commerce,
Associated Industries
of Kansas,
Kansas Retail Council

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

HB 2725 & HB 2726

March 29, 1984

Mr. Chairman and Members of the Committee:

My name is Rob Hodges and I am Executive Director of the Kansas Industrial Council, a major division of the Kansas Chamber of Commerce and Industry. I appreciate the opportunity to appear before the Committee today to present the Chamber's comments on two bills dealing with hazardous waste management, specifically: HB 2725 and HB 2726.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses plus 215 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

KCCI has two policies which relate to the topics of the bills being considered by the Committee. I have attached to this testimony a copy of the two policy positions

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adopted by our Board of Directors. Rather than read them to you, I would encourage each Committee member to read them at a later time.

First, let me emphasize that KCCI is not in favor of polluting the Kansas groundwater or the air, and we are certainly not in favor of conditions which might pose a health hazard for Kansas citizens. Somehow, opposition to the two bills being considered by your committee today, as well as opposition to some other pieces of legislation proposed by the Department of Health and Environment, has been portrayed as support of pollution and ill health. I hope my comments today will not be interpreted as favoring environmental deterioration or sickness.

KCCI has requested input from several of its members regarding both the banning of ground burial of hazardous wastes, as proposed in HB 2725, and the establishment of the state "superfund," as contemplated in HB 2726. That input began with the original introduction of these bills and has continued through the present time. Those members inform me that progress has been made in developing legislation which will protect the Kansas environment and Kansas people -- without unduly restricting Kansas commerce and industry. Progress, yes. But not a solution.

Today, one of our greatest concerns lies not within these two bills themselves, but in how they will work in combination with other legislation now on its way to this committee. I speak of HB 2740. Your Chairman referred to this bill only yesterday, the date when it was passed by the House.

Every statute proposed to be amended in HB 2725, would also be amended by HB 2740. Therefore, KCCI is recommending that the two bills be combined and addressed by this Committee as one bill. By doing so, the Committee will assure that definitions

contained in HB 2725 and used in consideration of the bill, will also be the definitions used in considering HB 2740.

In considering the "combined" bill, if there is to be one, we would make the following suggestions:

1. That the proposed definition of "mound landfill" be amended by changing the last word of the section from "landfill" to "groundwater." Protection of the groundwater seems to be the major thrust of the issue and should be addressed in the definition.
2. Careful consideration should be given to use of phrases such as "potential threat" and "threatens to become." These phrases appear several times in HB 2725. On page 7, beginning on line 0244, the bill would order the Secretary to grant an exception to the burial ban if it can be demonstrated that the waste does not pose a potential threat to health or the environment. The wide-open language may result in no exceptions ever being granted. Can a Secretary fully determine the potential threat and feel comfortable granting an exception?
3. That the impact of including small generators in the hazardous waste restrictions should be more fully studied. HB 2725 calls for a phasing-in of this impact. KCCI suggests that, before each new group of small generators is included, the Department should submit a report to the Legislature outlining what types of firms will be impacted, and reviewing the impact experienced by the last group.

Quickly addressing HB 2726, our major concerns lie in Sections 3 and 4 on page 2. These sections deal with how the secretary may use "superfund" money and how that

money may be repayed to the fund.

The list of authorized uses of the fund includes monitoring and investigation activities as separate items. KCCI understands that monitoring as part of an investigation should be authorized, but what other monitoring is being contemplated? Perhaps more specific information is needed here. That same list would also authorize expenditures for "any other program related to protecting the health of environment..". That appears to be too broad a statement, particularly in view of the fact that three other requested authorizations have been stricken by the House of Representatives. It appears that the language which permits any other program to be paid for out of the superfund would also include those programs specifically dropped by the House. We encourage closer examination of this language.

Thank you for your attention this morning. I will attempt to answer questions.

ENR-1) Environmental Priorities. The Kansas Chamber of Commerce and Industry shares society's concern for the quality of our total environment. Therefore, to effectively realize the maximum technological benefits available through a coordinated industrial and governmental effort, the Chamber actively supports and encourages the allocation of human, technical, and financial resources according to the following priorities:

- First Priority: Where environmental conditions already represent a clear and overt health hazard.
- Second Priority: Where serious health hazards will arise unless corrective action is taken soon.
- Third Priority: Where health is not immediately at issue, but where it is desirable to improve the quality of our life.

Further, the Chamber believes that all control regulations and implementation time tables should reflect these objectives and priorities. (Initiated 1971 - effective through October 1984)

(ENR-10) Hazardous Wastes. KCCI recognizes the necessity of prudent management and disposal of hazardous wastes. KCCI further recognizes the need for adequate hazardous waste transportation and disposal capabilities which will allow for the most economical management methods practicable while ensuring the public health and welfare of the citizens of Kansas as well as protecting the state's environment. To meet these needs, KCCI encourages the following:

1. That the Kansas Legislature not enact legislation which would severely limit or ban the establishment or expansion of hazardous waste disposal facilities on sites deemed to be safe to the health and welfare of the general public and the environment.
2. That private ownership and private operation of hazardous waste management and disposal sites should be considered the most desirable approach to ownership and operation of sites in Kansas, that public ownership with private operation of a site should be considered the second most desirable approach, and that public ownership and public operation of a site should be considered undesirable.
3. That industry seek alternatives to ground burial disposal when such alternatives are cost effective, and that the Kansas Legislature consider providing tax incentives to encourage industry to convert to alternative technologies.
4. That the Kansas Department of Health and Environment should be assigned the responsibility of approving new or expanding hazardous waste sites.
5. That fines and penalties for illegal disposal of hazardous wastes not exceed those called for by the federal government.
6. That the determination for what should be considered a hazardous waste be left at the federal level.
7. That other state regulations should not be more restrictive than federal regulations.
8. That the possibility of Kansas and surrounding states participating in a waste exchange program should be explored.

(Initiated 1980 - effective through February 1985)