

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 Wednesday, April 4, 1984 in room 123-S of the Capitol.

All members were present except:  
Senator Paul Hess

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  
Charles Hamm, Kansas Department of Health and Environment  
James Young, Chemical Waste Management  
Rob Hodges, Kansas Chamber of Commerce and Industry

Senator Gordon moved that the minutes of the April 3, 1984 meeting be approved. Vice-Chairman Kerr seconded the motion, and the motion carried.

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

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

H.B. 2740 - Hazardous and solid waste; amendments to the act

The following were distributed to the Committee: a list of Persons and Businesses Authorized to Control, Transfer and Use Radioactive Material (Attachment 1); Environmental Protection Agency Comments on the Kansas Statutes Annotated (Attachment 2) and a balloon of H.B. 2740 as amended by the Senate Committee (Attachment 3).

Barbara Sabol recommended that line 41 of H.B. 2726 be amended by replacing the word "and" with the word "or". Senator Chaney moved that the bill be so amended. Senator Gannon seconded the motion, and the motion carried. Ms. Sabol said that a question had been raised about subsection (j) of Section 3. She advised that this refers to funds to match federal superfund monies and that she has no objection to the specific language being in the bill. Senator Werts made a conceptual motion that H.B. 2726 be amended by striking the existing language in subsection (j) and inserting language providing that funds can be used for the purpose of matching the federal superfund money. Vice-Chairman Kerr seconded the motion, and the motion carried.

Charles Hamm reviewed the memorandum regarding fees paid by Vulcan Materials Company (Attachment 4). His opinion is that the Department should be charging Vulcan fees under the hazardous waste perpetual care trust fund. He noted that the language in H.B. 2740 should make it clear that these fees shall be charged any facility operating a hazardous waste disposal facility.

Senator Feleciano moved that H.B. 2726 be recommended favorably for passage. Senator Gannon seconded the motion, and the motion failed on a 4-6 vote.

James Young suggested that line 876 of H.B. 2740 should refer to "knowingly selling" blended fuel oil to a residential consumer. He also recommends that the bill be amended to provide that no penalty can be assessed except after issuance of a notice of violation (Attachment 5). Mr. Young said he feels H.B. 2740 needs to be passed so that there won't be a dual permitting system. He pointed out that Kansas must receive authorization by the end of this year unless the deadline is extended. Mr. Young testified that he cannot agree to a complete prohibition on land burial in H.B. 2725. He emphasized that it is possible to dispose of hazardous waste below-ground without damage to the groundwater. He stressed that statutes must be more specific and not allow leeway for establishing rules and regulations by agencies. Mr. Young stated that he needs to know what the exceptions would be under subsections (c) and (d) of H.B. 2740. He said there is no ground disposal of hazardous waste presently in Kansas, and it is doubtful that a commercial hazardous waste site will be operating within two years. Mr. Young stated that H.B. 2725 does not represent any change in the policy of the Legislature and that present law says that land disposal comes after everything else. He distributed

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,  
room 123-S, Statehouse, at 8:00 a.m. ~~XXX~~ on Wednesday, April 4, 1984

copies of State Activities for Restricting Land Disposal of Hazardous Wastes (Attachment 6).  
Senator Gordon asked if Mr. Young thinks there is anything in H.B. 2725 that should be in  
H.B. 2740. Mr. Young replied that he feels the small generator phase-in should be included.

Barbara Sabol stated that the priority of the Department is protection of the environment  
whether or not they are granted authorization to administer the RCRA program. She reviewed  
the proposed amendments (Attachment 7) agreed to by various parties interested in H.B. 2725.

Rob Hodges testified that the bills must be considered as a package. His association  
supports H.B. 2740. He said that H.B. 2725 phases down very rapidly small generators.

The meeting was adjourned at 8:56 a.m. by the Chairman. The next meeting of the Committee  
will be at 8:00 a.m. on Thursday, April 5, 1984.

Senate Energy & Natural Resources  
April 4, 1984

<u>Name</u>	<u>Organization</u>
Chip Wheelen	Waste Mgmt, Inc.
Ed Reinert	Ks LWDs
Dennis Murphy	KDHE
John Paul Bach	"
Cliff McDaniel	N.I.E.S.
Rob Hodge	KCCI
Charles Hamm	KDHE
Jerry Leonard	KG&E
Al Zapanta	ARCO
Jack Dillard	TENNECO

BUREAU OF AIR QUALITY AND RADIATION CONTROL

Persons and Businesses Authorized to Control, Transfer, and  
Use Radioactive Materials Pursuant to the Nuclear Energy  
Development and Radiation Control Act, K.S.A. 48-1603

April 1984

Atch. 1

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Acme Foundry, Inc. 1502 Spruce Street Coffeyville, Kansas 67337	22-B276-01	10/26/73	12/9/82	IV
2.	Adams Jet Well Service 629 S. Santa Fe Chanute, Kansas 66720	27-B201-01	10/18/68	8/4/82	III
3.	Advanced Genetic Sciences, Inc. P.O. Box 1373 Manhattan, Kansas 66502	26-B499-01	1/28/83	-----	II
4.	Agricultural Engineering Assoc. R.R. #1 Uniontown, Kansas 66779	22-B484-01	7/30/82	10/20/83	II
5.	Agricultural Technology Co. 206 East 1st Street Box 529 McCook, NE 69001	22-B371-01	4/3/78	-----	V
6.	Air Capitol Dial 220 North Vine Wichita, Kansas 67203	25-R032-01	12/10/65	5/5/83	I
7.	Aircraft Instrument & Development, Inc. 535 South Topeka Wichita, Kansas 67202	25-R187-01	2/7/68	11/2/83	I
8.	Allco Chemical Corp. P.O. Box 2600 B Pittsburg, Kansas 66762	26-B525-01	1-11-84	None	
9.	William R. Allen, M.D. 9201 Parallel Parkway Kansas City, Kansas 66112	19-B387-01	11/27/78	8/18/82	III
10.	Allen County Hospital 101 S. First Street Iola, Kansas 66749	19-B366-01	1/11/78	9/16/83	III
11.	Allgeier, Martin & Assoc., Inc. 2820 Range Line, Box 2277 Joplin, MO 64801	22-B443-01	1/9/81	-----	V

Listing updated February, 1984

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
12.	Allied Laboratories 1440 E. English Wichita, Kansas 67211	22-B308-01	7/23/75	6/6/83	IV
13.	Alpha Wireline, Inc. R.R. #2, Box 127 Great Bend, Kansas 67530	27-B488-01	9/29/82	-----	II
14.	AMF Tuboscope, Inc. P.O. Box 808 2919 Holmes Road Houston, Texas 77001	22-B088-01	8/26/77	2/24/83	IV
15.	The Anaconda Company Wire and Cable Division 11200 W. 93rd Street Overland Park, Kansas 66204	22-R321-01	12/8/77	12/22/83	IV
16.	Anderson County Hospital 421 South Maple P.O. Box 309 Garnett, Kansas 66032	19-B466-01	7/17/81	11/17/83	III
17.	Anthony Hospital & Clinic Assoc., Inc. 1101 East Spring Anthony, Kansas 67003	12-B437-01	10/14/80	8/12/82	III
18.	APAC-Kansas, Inc. 4318 Speaker Road Overland Park, Kansas 66204	22-B459-01	6/1/81	3/3/83	IV
19.	Applied Radiological Imaging 9421 Pflumm Road Lenexa, Kansas 66215	12-B526-01	1/16/84	None	
20.	Arkansas City Memorial Hospital First and Birch Streets Arkansas City, Kansas 67005	19-C310-01	8/12/75	7/20/82	II
21.	Asbury Hospital 400 South Santa Fe Salina, Kansas 67401	19-C040-01	1/21/77	8/31/82	III
22.	Ash Grove Cement Co. 8900 Indian Creek Parkway Suite 600 P.O. Box 25900 Overland Park, Kansas 66225	22-B123-01	11/8/65	12/4/82	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
23.	Associated Engineers, Inc. 1310 W. Ash Junction City, Kansas 66441	22-B290-01	7/24/74	3/29/83	IV
24.	Atchison Hospital and Cray Senior Manor 1300 North Second Atchison, Kansas 66002	12-B346-01	3/17/77	6/25/82	III
25.	Augusta Medical Complex 2101 Dearborn Augusta, Kansas 67010	19-C358-01	7/25/77	4/16/82	II
26.	AWC, Inc. 3664 S. Highland Drive Las Vegas, NV 89103	27-B471-01	12/23/81	-----	V
27.	Avtech Instruments, Inc. 4440 Southeast Blvd. Wichita, Kansas 67210	25-R494-01	12/6/82	6/20/83	I

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Babcock & Wilcox Co. B & W Construction Co. 333 Copley Rd. Copley, OH 44321	21-B202-01	10/16/68	2/9/83	V
2.	B & D Instruments, Inc. 209 W. Main Valley Center, Kansas 67147	25-B331-01	4/28/76	2/3/83	I
3.	Barnett, Stuart & Dow, Inc. 5215 Southwest Drive Topeka, Kansas 66614	22-B345-01	3/17/77	10/9/81	IV
4.	Barton County Community College Route 3 Great Bend, Kansas 67530	31-B457-01	4/22/81	10/7/82	III
5.	Baxter Memorial Hospital 10th and Washington Baxter Springs, Kansas 66713	19-B360-01	8/26/77	10/19/83	II
6.	Beech Aircraft Corp. 9707 East Central Wichita, Kansas 67201	25-B365-01	10/6/77	12/14/82	IV
7.	Bemis Construction, Inc. Oil Field and General Dirt Contractors P.O. Box 978 Great Bend, Kansas 67530	22-B274-01	8/10/73	2/24/83	IV
8.	Benchmark Scientific Services Box 3528 Shawnee, Kansas 66203	26-B475-01	4/5/82	5/26/83	II
9.	Benedictine College North Campus Atchison, Kansas 66002	31-B268-01	5/31/73	1/3/83	III
10.	Vernon A. Berkey, M.D. 617½ N. Broadway Pittsburg, Kansas 66762	13-R132-01	1/3/66	10/12/83	IV
11.	Bethany Medical Center 51 North 12th Street Kansas City, Kansas 66102	19-B178-01	9/6/78	3/5/82	II
12.	Bethel Deaconess Hospital 411 Southeast 2nd Street Newton, Kansas 67114	19-C023-01	8/17/77	4/24/82	III



	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
13.	Bethel Deaconess Hospital 411 Southeast 2nd Street Newton, Kansas 67114	17-B170-01	5/25/66	4/24/82	IV
14.	B.I.X. (America), Inc. 15535 W. Hardy, Suite 102 Houston, Texas 77060	21-B490-01	9/30/82	8/15/83	V
15.	Blacktop Construction Co. 302 Peyton St. P.O. Box 549 Emporia, Kansas 66801	22-B268-01	5/16/74	7/12/83	IV
16.	BMA Laboratory Services, Inc. Unit 57 9900 Pflumm Road Lenexa, Kansas 66215	15-B385-01	10/20/78	9/16/82	III
17.	Board of Public Utilities 700 Minnesota Ave. Kansas City, Kansas 66101	22-C076-02	8/1/78	12/7/83	IV
18.	Board of Public Utilities 700 Minnesota Ave. Kansas City, Kansas 66101	22-C076-01	10/14/65	8/23/73	IV
19.	Bob Wilson Memorial Hospital 415 North Main St. Ulysses, Kansas 67880	19-B287-01	5/24/74	5/5/82	III
20.	The Boeing Company Military Airplane Division Wichita Branch Wichita, Kansas 67210	29-C064-01	3/15/65	5/6/83	III
21.	Ernest C. Brandsted, M.D. 400 West 4th McPherson, Kansas 67460	13-R005-01	3/16/65	7/23/82	IV
22.	Bucher & Willis 609 W. North Street P.O. Box 1287 Salina, Kansas 67401	22-B368-01	2/3/78	1/13/83	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Cardinal Surveys Company 1704 Sampson Road P.O. Box 729 Odessa, Texas 79760	27-B337-01	7-14-76	None	V
2.	Cargill Inc. Minneapolis, MN	22-B327-01	3/4/76	6/16/83	IV
3.	Cargill, Inc. DSC Division 1501 N. Mosley Wichita, Kansas 67214	22-B166-01	12-28-66	9/22/83	IV
4.	Central Kansas Medical Center 3515 Broadway Great Bend, Kansas 67530	19-C213-01	10-/11/77 (entirety)	2/26/82	III
5.	CertainTeed Corporation 3031 Fiberglass Road Kansas City, Kansas 66115	22-B452-01	2/3/81	3/3/83	IV
6.	Chanute Manufacturing Co., Inc. P.O. Box 599 1500 South Washington Ave. Chanute, Kansas 66720	21-B189-01	3/31/76 (entirety)	9/27/83	I
7.	Chemical Commodities, Inc. 300-320 South Blake Street P.O. Box 129 Olathe, Kansas 66061	25-S090-01	7/23/65	12/12/83	II
8.	Cherokee Basin Perforators, Inc. Route 1, 2305 Timberlane Dr. Coffeyville, Kansas 67337	27-B485-01	7/30/82	12/13/83	*II
9.	Chet Brown Company R.R. #4, Box 152A Great Bend, Kansas 67530	27-C085-01	10/22/65	4/13/83	III
10.	Chicago Bridge and Iron Co. 8900 Fairbanks N. Houston Rd. P.O. Box 40066 Houston, Texas 77040	21-B214-01	5/29/79 (entirety)	8/3/83	V

\* Remain Priority II until next inspection verifies compliance

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
11.	Cities Service Co. 209 E. William Wichita, Kansas 67202	33-R432-01	6/26/80	12/6/83	I
12.	Cities Service Oil and Gas Corp. Box 300 Tulsa, Oklahoma 74102	22-B191-01	5/7/68	11/16/83	IV
13.	Citizens Medical Center 100 East College Drive Colby, Kansas 67701	19-B377-01	4/26/78	5/7/82	III
14.	Clay County Hospital 617 Liberty Street Clay Center, Kansas 67432	12-B447-01	2/4/81	11/4/82	III
15.	Cleveland X-ray Inspection, Inc. P.O. Box 658 Cleveland, Oklahoma 74020	21-B491-01	9/30/82	6/29/82	V
16.	Clinical Biochemical Corporation P.O. Box 8246 Wichita, Kansas 67208	15-B464-01	6/16/81	None	II
17.	Coder X-ray Service 410 South Walnut P.O. Box 823 McPherson, Kansas 67460	21-B165-01	6/6/79 (entirety)	8/24/83	I
18.	Coffey County Hospital 4th and Garrettson Burlington, Kansas 66839	19-B496-01	1/11/83	None	II
19.	Coffeyville Memorial Hospital Medical Center 1400 West 4th Coffeyville, Kansas 67337	17-B399-01	5/11/79	10/14/82	IV
20.	The Coleman Company, Inc. 250 North St. Francis Wichita, Kansas 67201	25-S193-01	10/3/77	5/5/83	I
21.	Colgate-Palmolive Company 1806 Kansas Avenue Kansas City, Kansas 66105	22-B093-01	11/9/77 (entirety)	5/26/83	IV
22.	Combustion Engineering, Inc. 1000 Prospect Hill Road Windsor, Connecticut 06095	21-B217-01	6/6/75 (entirety)	10/15/82	V

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
23.	Community Memorial Hospital, Inc. 708 North 18th Street Marysville, KS 66508	19-B492-01	10/18/82	9/14/83	III
24.	Computer Wireline, Inc. P.O. Box 2103 110 N. Walnut South Hutchinson, KS 67505	27-B454-01	4/22/81	7/22/82	II
25.	Cooperative Farm Chemicals Assoc. East Highway 10, Box 308 Lawrence, KS 66044	22-B291-01	8/15/74	12/7/83	IV
26.	Cornish Wireline Services, Inc. P.O. Drawer H Chanute, KS 66720	27-B128-01	6/7/66	8/4/83	III
27.	CRC Wireline, Inc. P.O. Box 2187 2710 Forum Drive Grand Prairie, TX 75051	27-B527-01	1/20/84	None	
28.	Cushing Memorial Hospital 623 Marshall Leavenworth, KS 66048	19-B374-01	3/28/78	6/11/82	III
29.	Capital X-ray Services, Inc. 2133 S. 49th W. Ave. Tulsa, OK. 74107	21-B530-01	2-21-84		

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Daniel International Corp. P.O. Box 146 Strawn, KS 66839	22-B336-01	5/28/76	2/8/83	IV
2.	Eslie L. Darter St. Joseph Medical Center 3700 Harry Street Wichita, KS 67218	33-C070-01	3/23/65	10/26/83	V
3.	Derby Refining Company Division of Constal States Gas Corp. P.O. Box 1030 Wichita, KS 67201	22-C020-01	6/25/65	9/21/83	IV
4.	George F. DeTar, M.D. 219 West Madison Iola, KS 66749	13-R120-01	12/7/65	9/16/83	IV
5.	The City of Dodge City City Hall 705 First Avenue Dodge City, KS 67801	22-B508-01	5/25/83	None	II
6.	Dodge City Regional Hospital 3001 Avenue A P.O. Box 1478 Dodge City, KS 67801	19-B343-01	12/30/76	7/15/83	II
7.	Doskocil Sausage Company 321 North Washington South Hutchinson, KS 67505	22-B498-01	1/28/83	None	II
8.	Dowell Inc. P.O. Box 21 Tulsa, OK 74102	27-B114-01	9/22/65	8/17/83	III
9.	Dresser Atlas Division of Dresser Industries Inc. 10201 Westheimer-P.O. Box 1407 Houston, TX 77001	27-B039-01	9/29/77 (entirety)	2/25/82	III
10.	E.I. DuPont de Nemours and Co. P.O. Box 481 Topeka, KS 66601	22-B154-01	2/23/78 (entirety)	4/14/83	IV
11.	Damon Clinical Labs. 1001 Horne Street Topeka, Kansas 66604	15-B251-01	4-12-72	6-8-77	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Earth Scientists Ltd. 806 Hickman Street Coffeyville, KS 67337	27-C373-01	3/27/78	6/23/81	III
2.	Electra Log, Inc. P.O. Box 81 Great Bend, KS 67530	27-C096-01	12/21/65	10/7/82	III
3.	Eli Lilly and Co. 307 East McCarty Street Indianapolis, IN 46206	26-B414-01	9/26/79	None	II
4.	Emporia State University 1200 Commercial Emporia, KS 66801	31-C221-01	1/15/70	3/31/82	III
5.	Energy Resources, Inc. 7315 Frontage Rd. Suite 110 Shawnee Mission, KS 66204	27-B425-01	8/26/80	8/16/82	III
6.	Engineering Testing Company 535 North Washington Wichita, KS 67201	22-B289-01	6/19/74	8/17/83	IV
7.	EXAM Company 1115 West 41st Street P.O. Box 7589 Tulsa, OK 74107	21-B157-01	1/29/79	1/20/83	I

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	C.L. Fairley Construction Co., Inc. 2213 North 10th Street Kansas City, Kansas 66104	22-B504-01	4/14/83	12/8/83	IV
2.	Farmland Industries, Inc. P.O. Box 7305 Kansas City, Missouri 64116	22-B097-01	7/26/65	12/9/82	IV
3.	Farmland Industries, Inc. North Highway 183 P.O. Box 608 Phillipsburg, Kansas 67661	22-B097-02	11/8/76	None	II
4.	Kerry M. Fisher 213 N. Montgomery Sedan, Kansas 67361	27-B487-01	9/29/82	None	II
5.	Fort Hays State University Hays, Kansas 67601	31-B049-01	9/8/66	5/13/80	III
6.	Dr. Benjamin S. Friesen 308 Boulder Lawrence, Kansas 66044	33-C016-01	1/15/65	None	V
7.	Frontier Logging Corporation 7232 West Melrose Lane Oklahoma City, Oklahoma 73127	27-B486-01	7/30/82	None	V

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Gardner Community Medical Center 427 West Main Gardner, Kansas 66030	19-B424-01	3/6/80	8/22/83	III
2.	Gates Learjet Corporation 8220 West Harry Wichita, Kansas 67277	25-R458-01	10/18/82 (entirety)	11/1/83	I
3.	Gault Energy Corporation 427 South Parker Olathe, Kansas 66061	27-B507-01	5/25/83	None	II
4.	Gearhart Industries, Inc. Wireline Services P.O. Box 1258 Forth Worth, Texas 76101	27-C048-01	6/7/79	8/17/83	III
5.	Geary Community Hospital Junction City, Kansas 66441	11-B322-01	11/26/75	10/18/82	III
6.	General Portland, Inc. Trinity Division P.O. Box 479 Fredonia, Kansas 66736	22-B288-01	6/10/74	10/12/83	IV
7.	General Testing Laboratories, Inc. 1517 Walnut Street Kansas City, Missouri 64108	22-R245-01	6/16/71	None	V
8.	GEO Construction Testing 1118 Chess Drive Foster City, Calif. 94404	21-B361-01	8/26/77	2/3/83	I
9.	Geotechnical Services of Kansas, Inc. 139 South Fourth Street Salina, Kansas 67401	22-B455-01	4/22/81	None	II
10.	GEO Vann, Inc. 16350 Park Ten Place Drive, Suite 107 Houston, Texas 77084	27-B489-01	9/29/82	None	V
11.	Getty Refining and Marketing Company P.O. Box 1650 Tulsa, Oklahoma 74102	22-B145-01	2/1/66	9/1/83	IV
12.	Geolog, Inc. P.O. Box 343 Coffeyville, KS 67337	27-B531-01	2-28-84		



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13.	The Goodyear Tire & Rubber Co. P.O. Box 1069 Topeka, Kansas 66601	22-C073-01	5/6/65	8/26/82	IV
14.	City of Great Bend Engineering Department 1209 Williams Great Bend, Kansas 67530	22-B326-01	3/10/76	2/24/83	IV
15.	Great Guns, Inc. Kansas State Bank and Trust Building Suite 1120 125 North Market Wichita, Kansas 67202	27-B110-01	2/20/81 (entirety)	12/28/83	III
16.	Greb X-ray Company 8551 Quivira Road Lenexa, Kansas 66215	22-B267-01	5/24/73	8/22/83	IV
17.	Larry O. Green R.R. #2, Box 21W Waukee, Iowa 50263	33-B456-01	4/22/81	None	V
18.	Larry Gross and Associates 12650 Mason Forest Drive St. Louis, Missouri 63141	35-B509-01	6/15/83	-----	V
19.	Greenwood County Hospital 100 West 16th Street Eureka, Kansas 67045	12-B410-01	9/14/79	9/28/82	III
20.	Gulf Products Explosive Experimental Lab. P.O. Box G Riverton, KS 66770	22-B229-01	7/23/70	10/20/83	IV

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1.	Hadley Regional Medical Center 201 East 7th Street Hays, Kansas 67601	19-B008-01	1/11/65	7/14/82	II
2.	Hadley Regional Medical Center 201 E. 7th Hays, Kansas 67601	22-B008-02	9/26/83	None	II
3.	Hallibarton Services Duncan, Oklahoma 73533	27-B025-01	5/10/65	1/83	III
4.	Hallmark Cards, Inc. 25th and McGee Kansas City, Missouri 64141	22-R314-01	9/29/75	12/1/83	V
5.	Hays Pathology Laboratory, P.A. 1300 East 13th Street Hays, Kansas 67601	12-B282-01	4/18/74	7/14/82	III
6.	Hercules Incorporated Aerospace Division Sunflower Army Ammunition Plant P.O. Box 549 De Soto, Kansas 66018	26-B476-01	5/5/82	None	II
7.	Herington Municipal Hospital 100 East Helen Herington, Kansas 67449	12-B411-01	9/26/79	9/29/82	III
8.	The Hertzler Clinic 327 Chestnut Street Halstead, Kansas 67056	19-C027-01	1/28/65	5/4/83	II
9.	Hiawatha Community Hospital 300 Utah Street Hiawatha, Kansas 66434	19-B480-01	5/5/82	8/31/83	III
10.	H.L. Snyder Memorial Research Foundation 1407 Wheat Road P.O. Box 745 Winfield, Kansas 67156	15-B292-01	8/27/74	4/26/83	III
12.	Horton Community Hospital 240 W. 18th Street Horton, Kansas 66439	19-B493-01	10/22/82	8/31/83	III
12	Hospital District No. 5 12th and Maple Harper, Kansas 67058	12-B413-01	9/26/79	8/12/82	III

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13.	H.R. Insepction Service, Inc. 6837 Woodland P.O. Box 3280 Shawnee Mission, Kansas 66203	21-B126-01	11/19/65	4/15/83	I
14.	Humco, Inc. Steel Fabrication Highway 59 South - Route 2 Garnett, Kansas 66032	21-B521-01	12/5/83	None	I
15.	Hutchinson Clinic, P.A. 2101 N. Waldron Hutchinson, Kansas 67501	19-B519-01	10-26-83	None	II
16.	Hutchinson Hospital Corporation 1701 East 23rd Hutchinson, Kansas 67501	19-B081-01	12/19/75 (entirety)	3/25/82	II
17.	Hutchinson Hospital Corporation 1701 East 23rd Hutchinson, Kansas 67501	17-B302-01	2/24/75	3/25/82	IV
18.	Hydrocarbon Survey 514 Union Center Building Wichita, Kansas 67202	27-R247-01	8/23/71	22/4/82	III
19.	Hydrocarbon Transporation, Inc. 2223 Dodge Street Omaha, Nebraska 68102	22-B147-01	2/25/66	9/22/83	IV
20.	Hunsberger Clinic 602 N. 3rd St. Garden City, KS 67846	11-B533-01	3-12-84		

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1	Instruments, Inc. 205 East Lewis Wichita, Kansas 67202	25-R179-01	10/3/67	9/15/83	I
2	Instrument and Flight Research, Inc. 2716 George Washington Blvd. Wichita, Kansas 67210	25-R223-01	2/10/70	12/21/83	I
3	Intermountain Testing Co. 2965 S. Shoshone Englewood, Co 80110	21-B389-01	12/7/78	7/13/83	I
4	INTERx Research Corp. 2201 W. 21st Street Lawrence, Kansas 66044	16-C284-01	4/1/74	10/26/82	III
5	Interface Corp. 121 N. Eighth Manhattan, Kansas 66502	22-B510-01	6/2/83	7/28/83	IV
6	Iso-Tex P.O. Box 909 Brazoria County Roads 127 & 130 Friendswood, TX 77546	34-B364-01	8/26/77	-----	V

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	J.A. Tobin Construction Co. Railroad and General Contractors P.O. Box 3270 Kansas City, Kansas 66103	22-R237-01	1/22/71	2/18/83	IV
2.	Jefferson County Memorial Hospital Rural Route 1, Box 1 Winchester, Kansas 66097	19-B433-01	7/22/80	1/6/83	III
3.	Jenkins Wireline Services 103 S. Emporia El Dorado, Kansas 67042	27-B148-01	3/16/66	9/22/83	III
4.	J.I. Case 1500 South McLean Blvd. Wichita, Kansas 67277	22-B356-01	7/6/77	1/21/82	IV
5.	Johnson Jet Service Company 302 Simpson Road El Dorado, Kansas	27-C036-01	10/15/65	8/30/72	III

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	W.M. Kane, M.D. Women's Clinic, Inc. 2503 Canterbury Hays, Kansas 67601	11-R271-01	7/31/73	10/7/76	IV
2.	Kansas City Power & Light Co. 1330 Baltimore Avenue Kansas City, MO 64141	22-B318-01	10/29/75	1/12/83	IV
3.	Kansas City Testing Laboratory 2012 West 104th Street Shawnee Mission, Kansas 66206	22-C250-01	1/24/72	3/18/76	IV
4.	Kansas City-Wyandotte County Department of Health 619 Ann Avenue Kansas City, Kansas 66101	22-B297-01	10/23/74	8/17/82	IV
5.	Kansas State Dept. of Health and Environment, Water Quality Management Section, Lake Biology Unit Bldg. #740, Forbes Field Topeka, Kansas 66620	40-B293-01	8/30/74	None	III
6.	Kansas Dept. of Transportation 2300 Van Buren Topeka, Kansas 66611	22-B315-01	9/75	10/6/82	IV
7.	Kansas Gas & Electric Co. Nuclear Development Dept. P.O. Box 208 Wichita, Kansas 67201	26-B401-01	6/12/79	5/31/83	I
8.	Kansas Gas and Electric Co. Production Department P.O. Box 208 Wichita, Kansas 67201	26-B401-02	6/16/81	1/29/82	IV
9.	State of Kansas Adjutant General's Dept. Div. of Emergency Preparedness RADIAC 2800 South Topeka Avenue Topeka, Kansas 66611	32-B481-01	6/2/82	None	II
10.	State of Kansas Adjutant General's Dept. Div. of Emergency Preparedness RADIAC 2800 South Topeka Avenue Topeka, Kansas 66611	32-N156-01	4/5/66	6/9/83	III

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
11.	State of Kansas Adjutant General's Dept. Div. of Emergency Preparedness RADIAC 2800 South Topeka Avenue Topeka, Kansas 66611	32-B059-01	3/12/65	6/9/83	III
12.	State of Kansas Adjutant General's Dept. Div. of Emergency Prapredness RADIAC 2800 South Topeka, Ave. Topeka, Kansas 66611	32-B059-02	7/26/65	6/9/83	III
13.	Kansas Air National Guard 190 AREFT/PMEL Forbes Field ANGB, Building 662 Topeka, Kansas 66620	22-C316-01	10/9/75	1/10/83	IV
14.	Kansas Power & Light Co. Jeffrey Energy Center P.O. Box 10 St. Marys, Kansas 66536	22-B347-01	3/28/77	5/8/80	IV
15.	Kansas Refined Helium Company West Highway #4 Otis, Kansas 67565	22-B333-01	4/30/76	2/24/83	IV
16.	Kansas State Board of Agriculture 2524 West Sixth Street Topeka, Kansas 66606	26-B342-01	11/24/76	10/6/80	IV
17.	Kansas State Dept. of Health and Environment, Bureau of Radiation Control Forbes Field, Bldg. 321 Topeka, Kansas 66620	40-C999-01	6/11/70	None	V
18.	Kansas State University of Agriculture and Applied Sciences Manhattan, Kansas 66502	38-C011-01	7/28/67	11/30/83	I
19.	Kansas Wesleyan University Santa Fe and Claflin Salina, Kansas 67401	31-C205-01	12/19/68	1/13/83	III
20.	Kaw Valley Engineering and Development, Inc. 218 South Washington P.O. Box 1304 Junction City, Kansas 66441	22-B506-01	5/18/83	12/29/83	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
21.	Kearny County Hospital 500 Thorpe Street Lakin, Kansas 67860	12-B435-01	8/7/80	5/6/82	III
22.	Kingman Community Hospital 750 Avenue D. Street Kingman, Kansas 67068	12-B438-01	10/20/80	6/21/83	III
23.	King Radio Corporation 400 N. Rogers Road Olathe, Kansas 66061	26-B441-01	11/6/80	2/10/83	II
24.	Kiowa District Hospital 810 Drumm Street Kiowa, Kansas 67070	12-B416-01	10/25/79	12/17/82	III
25.	Kenneth L. Knuth, M.D. Mercy Hospital Independence, Kansas 67301	13-R194-01	5/24/68	12/13/83	IV
26.	Koch Industries, Inc. Corporate Research & Development Division 4111 E. 37th St. N. Wichita, Kansas 67220	26-B340-02	1/21/82	9/28/83	IV



	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1	Labette County Medical Center P.O. Box 767 Parsons, Kansas 67357	19-B259-01	8/21/72	6/25/81	III
2	Laboratory Medicine Assoc., P.A. 3243 E. Murdock Wichita, Kansas 67214	12-B524-01		None	II
3	Langston Laboratories 2005 West 103rd Terrace Leawood, Kansas 66206	26-B254-01	4/26/72	12/1/82	IV
4	Law Engineering Testing Company 2749 Delk Road, S.E. Marietta, Georgia 30067	23-B520-01	11-10-83	11-30-83	I
5	City of Lawrence City Offices 910 Massachusetts Street Lawrence, Kansas 66044	22-B396-01	4/20/79	12/8/82	IV
6	Lawrence Memorial Hospital 325 Maine Street Lawrence, Kansas 66044	12-B161-01	4/5/77 (entirety)	5/19/82	III
7	Layne-Western Company, Inc. 620 South 38th Street P.O. Box 6126 Kansas City, Kansas 66106	22-B334-01	4/30/76	12/1/82	IV
8	Equinox Oil Company Drawer 468 Independence, Kansas 67301	27-B461-01	6/1/81	8/11/82	III
9	City of Leavenworth Kansas 5th and Shawnee Leavenworth, Kansas 66048	22-B353-01	6/2/77	1/3/83	IV
10	Lindsborg Community Hospital 605 W. Lincoln Lindsborg, Kansas 67456	12-B409-01	9-14-79	8/12/82	III
11	L.K. Wireline East Highway 40 Hays, Kansas 67601	27-C339-01	10/25/76	7/14/82	III

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
12	Lone Star Industries Bonner Springs Plant Cement and Construction Materials Group P.O. Box 297 Bonner Springs, Kansas 66012	22-B058-01	3/15/65	11/23/82	IV
13	Law Engineering Testing Co. 2749 Delk Road, S.E. Marietta, GA 30067	23-B520-01	11-10-83	11/83	

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	N.E. Macy, M.D. 338 North Front Salina, Kansas 67401	12-B285-01	4/18/74	12/14/83	III
2.	City of Manhattan 11th and Poyntz Manhattan, Kansas 66502	22-B482-01	7/1/82	9/29/82	IV
3.	Martin K. Eby Construction Co. Inc. P.O. Box 1679 610 North Main Street Wichita, Kansas 67201	22-B246-01	7/16/71	9/28/83	IV
4.	Master Land Co. Ltd. 403 Campus Drive P.O. Box 1054 Garden City, Kansas 67846	22-B511-01	6/21/83	11/16/83	II
5.	Mid West Analytical Labs., Inc. 419 North Hundley P.O. Box 2312 Wichita, Kansas 67201	26-B152-01	4/5/66	5/10/83	IV
6.	Medicine Lodge Memorial Hospital 710 North Walnut Street Medicine Lodge, Kansas 67104	12-B398-01	5/11/79	8/12/82	III
7.	Memorial Hospital 511 N.E. 10th Street Abilene, Kansas 67410	12-B446-01	2/4/81	8/30/82	III
8.	Memorial Hospital 1000 Hospital Drive McPherson, Kansas 67460	12-B421-01	12/27/79	7/23/82	III
9.	Memorial Hospital 600 Madison Topeka, Kansas 66607	19-B062-01	2/12/79 (entirety)	5/11/82	II
10.	Memorial Hospital Sunset and Claflin P.O. Box 1208 Manhattan, Kansas 66502	19-B518-01	10/5/83	None	II
11.	Mercury Wireline, Inc. 1023 Reservation Road Hays, Kansas 67601	27-B436-01	10/2/80	7/13/82	III
12.	Mercy Hospitals of Kansas, Inc. 821 Burke Street Fort Scott, Kansas 66701	19-B210-01	5/16/69	3/10/83	II

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
13.	Mercy Hospitals of Kansas, Inc. 800 West Myrtle Street Independence, Kansas 67301	12-B378-01	4/26/78	6/23/81	III
14.	Miami County Hospital 501 S. Hospital Drive P.O. Box 365 Paola, Kansas 66071	19-B434-01	7/22/80	None	II
15.	Micro Gage, Inc. 532 Kentucky Road P.O. Box 837 South Houston, Texas 77587	27-B423-01	2/7/80	None	II
16.	Mid-America Pipeline System (A Division of MAPCO Inc.) 1800 South Baltimore Tulsa, Oklahoma 74119	22-B104-01	8/18/65	12/9/82	IV
17.	Mid-Kansas Rdiological Group 808 N. Emporia Wichita, Kansas 67211	19-C319-01	10/24/75	5/11/83	II
18.	Mid-States Mobile Medical Analysts 933 North Topeka P.O. Box 2517 Wichita, Kansas 67201	12-B505-01	5/25/83	12/14/83	III
19.	Mid-West Conveyor Company, Inc. 450 East Donovan Road Kansas City, Kansas 66115	22-B309-01	8/5/75	9/13/83	IV
20.	Midwest Surveys, Inc. Route 5, P.O. Box 328 Paola, Kansas 66071	27-B450-01	1/23/81	6/28/82	III
21.	Mitchell County Hospital Beloit, Kansas 67420	19-C355-01	7/6/77	11/16/82	III
22.	Mobay Chemical Corporation Agricultural Division Hawthorn Road P.O. Box 4913 Kansas City, Missouri 64120	26-B226-01	4/29/70	12/1/83	III
23.	Mobil Oil Corporation P.O. Box 546 Augusta, Kansas 67010	22-R034-01	3/5/65	5/24/73	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
24.	Monarch Cement Company Quarry Department Humboldt, Kansas 66748	22-B122-01	11/8/65	9/22/83	IV
25.	Mt. Carmel Medical Center Centennial and Rouse Streets Pittsburg, Kansas 66762	17-A235-01	12/23/70	3/11/83	IV
26.	Mt. Carmel Medical Center Centennial and Rouse Streets Pittsburg, Kansas 66762	19-C243-01	6/1/77	3/11/83	II
27.	A & E Analytical Lab., Inc. 2160 W. 21st Street Wichita, Kansas 67203	22-B522-01	12/7/83	None	II
28.	Morton Salt Box 1547 Hutchinson, KS 67504	22-B529-01	2-13-84		

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1	National Cooperative Refinery P.O. Box 1167 McPherson, Kansas 67460	22-B136-01	1/11/66	6/17/83	IV
2	Nemaha Valley Community Hospital 604 Nemaha Street Seneca, Kansas 66538	19-B478-01	5/5/82	None	II
3	Neosho Memorial Hospital 629 South Plummer Chanute, Kansas 66720	12-B483-01	7/21/82	9/27/83	III
4	Newman Memorial County Hospital 12th and Chestnut Emporia, Kansas 66801	19-C001-01	2/8/77 (entirety)	3/31/82	II
5	Newton Radiological Association, Chartered P.O. Box 364 Newton, Kansas 67114	13-R359-01	8/17/77	5/11/83	IV
6	NL McCullough NL Industries, Inc. P.O. Box 60060 Houston, Texas 77205	27-C113-01	10/14/65	11/14/83	III
7	Non-Destructive Testing Co., Inc. 2407 Dalworth Street P.O. Box 2016 Grand Prairie, Texas 75050	21-B501-01	3/16/83	11/20/81	V
8	North American Philips Electric Corp. P.O. Box 57, R.R. #4 Salina, Kansas 67401	22-B160-01	4/22/66	12/14/83	IV
9	Northern Natural Gas Company 2223 Dodge Street Omaha, Nebraska 68102	22-B324-01	2/16/76	1/18/83	IV
10	Northwest Kansas Regional Medical Center First and Sherman Goodland, Kansas 67735	12-B384-01	9/25/78	7/12/82	III
11	N.R. Hamm Contractor, Inc. P.O. Box 17 Perry, Kansas 66073	22-B391-01	1/15/79	10/7/82	IV
12	Nuclear Medicine Associates, Inc. 9726 Park Heights Cleveland, Ohio 44125	33-B382-01	6/21/78	None	V

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Office of Laboratories & Research Kansas Dept. of Health and Environment Building #740, Forbes Field Topeka, Kansas 66620	26-B252-01	4/12/72	5/3/83	IV
2.	Oil Well Loggers, Inc. Route #4 Chanute, Kansas 66720	27-B463-01	6/12/81	2/11/82	III
3.	City of Olathe 100 W. Santa Fe Olathe, Kansas 66061	22-B428-01	5/6/80	12/1/82	IV
4.	Olathe Community Hospital 300 South Rogers Road Olathe, Kansas 66061	19-B296-01	10/4/74	3/9/82	III
5.	Olin Water Services 3155 Fiberglass Road Kansas City, Kansas 66115	26-B363-01	8/26/77	8/17/82	IV
6.	Professional Service Ind., Inc. 2917 Douglas Street Omaha, Nebraska 68131	21-B183-01	11/6/67	None	V
7.	Onaga Community Hospital 120 W. 8th Onaga, Kansas 66521	19-B477-01	5/5/82	9/8/83	III
8.	O'Neill Tank Company, Inc. R.R. 1, Box 101 Westport Addition Great Bend, Kansas 67530	21-B168-01	12/20/66	4/12/83	I
9.	Optimized Process Furnaces P.O. Box 706 South 169 Hwy. Chanute, Kansas 66720	22-N392-01	2/13/79	None	II
10.	Ottawa University Physics Department Ottawa, Kansas 66067	31-C151-01	4/5/66	1/25/83	III

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Panhandle Eastern Pipe Line Co. 10890 Benson Drive, Suite 360 P.O. Box 12330 Overland Park, Kansas 66212	21-B207-01	5/22/69	12/7/83	I
2.	Pathologists Professional Assn. 74th and Grandview Road Shawnee Mission, Kansas 66201	12-B042-01	7/25/66	1/20/83	III
3.	Pengo Wireline A Div. of Pengo Industries, Inc. 1400 Everman Parkway Fort Worth, Texas 76140	27-B470-01	10/2/81	10/7/82	III
4.	Petro Wireline Services, Inc. P.O. Box 48 Coffeyville, Kansas 67337	27-B467-01	7/14/81	10/14/82	III
5.	Philadelphia Quartz Co. 17th St. & Kansas Ave. Kansas City, Kansas 66105	22-B231-01	8/12/70	12/7/83	IV
6.	Phillips Pipe Line Co. 361 PBA Bartlesville, OK 74004	22-B325-01	2/16/76	6/8/83	IV
7.	Pittsburg State University Pittsburg, Kansas 66762	31-C144-01	1/25/66	3/10/83	III
8.	Plains Well Surveys Inc. P.O. Box 1045 R.R. #1 Woodland View Acres Independence, Kansas 67301	27-B440-01	10/20/80	6/30/81	III
9.	Pratt Regional Medical Center 200 Commodore Pratt, Kansas 67124	12-B397-01	5/11/79	12/17/82	II
10.	Procter & Gamble Manufacturing Packers Station 19th and Kansas Avenue Kansas City, Kansas 66105	22-B022-01	3/2/65	3/16/83	IV
11.	Providence-St. Margaret Health Center 8929 Parallel Parkway Kansas City, Kansas 66112	19-C182-01	11/2/67	4/14/83	II



	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Q.W.A.L. Laboratories, Inc. 2809 N. Broadway Building 4, Suite C Pittsburg, KS 66762	26-B417-01	10/26/79	9/5/80	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Radiation Consultants of Mid-America, Inc. 5460 Buena Vista, Suite 207 Shawnee Mission, Kansas 66205	33-B429-01	8/4/80	10/27/83	V
2.	Radiation Services & Consultants, Inc. P.O. Box 2985 Riley, OK 74062	33-B460-01	6/1/81	None	V
3.	Radioactive Isotopes Associates 1133 College Avenue Manhattan, Kansas 66502	12-B234-01	12/17/70	11/24/82	III
4.	Radioagraphy Inspection, Inc. P.O. Box 1850 202 S. Virginia Street Liberal, Kansas 67901	21-B512-01	6/23/83	11/15/83	I
5.	Radiology and Nuclear Medicine 310 Medical Arts Bldg. 1001 Horne Street Topeka, Kansas 66604	19-C024-01	2/26/71	5/13/82	I
6.	Radiology Associate of Hays, P.A. P.O. Box 833 2712 Plaza Avenue Hays, Kansas 67601	12-B513-01	8/8/83	None	II
7.	Radiopharmacy Consultants 3333 East Central, Suite 219 Wichita, Kansas 67208	20-C495-01	12/30/82	10/27/83	I
8.	Ransom Memorial Hospital 13th & South Main Street Ottawa, Kansas 66067	19-B422-01	1/28/80	10/9/82	III
9.	Republic County Hospital Prairie View Addition Belleville, Kansas 66935	19-B393-01	3/2/79	11/4/82	III
10.	Ritchie Laboratories A Div. of Ritchie Corp. P.O. Box 4048 1820 North Mosley Wichita, Kansas 67204	22-B500-01	2/10/83	None	II
11.	Riverside Hospital 2622 W. Central Wichita, KS 67203	19-C219-01	11/12/69	11/16/82	II

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
12.	Roche Biomedical Laboratories, Inc. 911 North Hillside Wichita, Kansas 67214	12-B115-02	3/10/76	11/15/82	IV
13.	Rockwell International 4th & Park Streets Atchison, Kansas 66002	21-B092-01	8/8/67	10/25/83	I
14.	Rosel Well Perforators, Inc. 302 S. Clay Liberal, Kansas 67901	27-C057-01	3/18/65	11/17/83	III
15.	R & S Associates 12834 Sagamore Leawood, Kansas 66209	35-B444-01	1/19/81	12/1/82	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Sabetha Community Hospital 14th and Oregon Sabetha, Kansas 66534	19-B479-01	5/5/82	11/15/83	III
2.	Salem Hospital 701 S. Main Hillsboro, Kansas 67063	12-B415-01	9/26/79	7/23/82	III
3.	Santa Fe Railroad Technical Research & Development 1001 N.E. Atchison Topeka, Kansas 66616	22-B294-01	8/30/74	7/20/83	IV
4.	Sauder Custom Fabrication, Inc. 220 Weaver Street, Box 1158 Emporia, Kansas 66801	21-B149-01	1/16/67	10/25/83	I
5.	Schlumberger Well Services A Div. of Schlumberger Technology Corp. P.O. Box 2175 5000 Gulf Freeway Houston, Texas 77001	27-C031-01	3/24/65	8/17/83	III
6.	Schwab-Eaton, P.A. 2316 Anderson Ave. Manhattan, Kansas 66502	22-B376-01	4/25/78	3/29/83	IV
7.	Sedgwick County Dept. of Public Works 1015 Stillwell Wichita, Kansas 67213	22-B332-01	4/30/76	6/6/83	I
8.	Sierra Testing, Inc. P.O. Box 9858 Tulsa, Oklahoma 74157	21-B514-01	8/12/83	None	II
9.	Shawnee Mission Medical Center 74th and Grandview Shawnee Mission, Kansas 66201	19-C264-01	1/23/73	4/23/83	II
10.	Siemens Gammasonics, Inc. Health Physics Services 2000 Nuclear Drive Des Plaines, Il. 60018	29-C135-01	10/19/66	3/12/73	V
11.	Southwestern College North College Winfield, Kansas 67156	31-B390-01	12/20/78	4/26/83	II

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
12.	Southwest Medical Center West 15th Street P.O. Box 1340 Liberal, Kansas 67901	17-B002-01	8/16/66	11/18/83	IV
13.	Southwest Medical Center West 15th Street P.O. Box 1340 Liberal, Kansas 67901	19-B002-02	10/1/82	11/18/83	II
14.	Sperry Flight Systems Avionics Division 1830 Industrial Avenue Wichita, Kansas 67216	25-R275-01	8/27/73	6/7/83	II
15.	Stan A. Huber Consultants 235 Essox Lane New Lenox, IL 60451	33-B405-01	8/1/79	-----	V
16.	Statlabs P.O. Box 7703 Wichita, Kansas 67277	15-B142-01	1/21/66	12/22/83	I
17.	Stecklein Oil Company Munjor Route Box 85 Hays, Kansas 67601	27-B449-01	1/23/81	12/7/82	III
18.	St. Anthony Hospital Canterbury Road Hays, Kansas 67601	12-B261-01	11/9/72	12/18/81	III
19.	St. Catherine Hospital 608 N. 5th Street Garden City, Kansas 67846	17-B300-02	7/13/81	5/6/82	IV
20.	St. Catherine Hospital 608 N. 5th Street Garden City, Kansas 67846	19-B300-01	12/17/74	5/5/82	II
21.	St. Francis Hospital 929 North St. Francis Wichita, Kansas 67212	19-C030-01	2/5/65	12/15/83	I
22.	St. Francis Hospital of Wichita, Inc. 929 North St. Francis Wichita, Kansas 67212	16-N312-03	9/8/75	2/4/83	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
23.	St. Francis Hospital of Wichita, Inc. 929 North St. Francis P.O. Box 1358 Wichita, Kansas 67201	17-B030-02	5/26/65	12/15/83	IV
24.	St. Franics Hospital & Medical Center 1700 West 7th Street Topeka, Kansas 66606	16-N344-01	12/11/77	5/14/82	II
25.	St. Francis Hospital and Medical Center 1700 West 7th Street Topeka, Kansas 66606	12-B272-01	7/31/73	12/7/83	III
26.	St. Francis Hospital and Medical Center 1700 7th Street West Topeka, Kansas 66606	19-B272-02	9/20/83	12/6/83	II
27.	St. Francis Hospital and Medical Center 1700 7th Street West Topeka, Kansas 66606	17-B272-03	9/20/83	12/6/83	IV
28.	St. John Hospital 3500 South 4th Street Leavenworth, Kansas 66048	19-B383-01	9/15/78	6/11/82	III
29.	St. John's Hospital 139 North Penn Salina, Kansas 67401	19-C112-01	10/20/67	8/31/82	II
30.	St. John's Hospital 139 North Penn Salina, Kansas 67401	17-B112-01	12/5/83	None	II
31.	St. Joseph's Hospital 11th Street and 3rd Avenue Concordia, Kansas 66901	19-C014-01	12/28/66	5/17/83	II
32.	St. Joseph Medical Center 3600 East Harry St. Wichita, Kansas 67218	17-B468-03	9/23/81	6/8/83	IV
33.	St. Joseph Medical Center 3600 East Harry St. Wichita, Kansas 67218	16-N367-02	2/3/78	6/8/83	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
34.	St. Joseph Medical Center 3600 East Harry St. Wichita, Kansas 67218	19-C063-01	4/13/65	6/8/83	I
35.	St. Luke Hospital 1014 East Melvin Street Marion, Kansas 66861	12-B407-01	8/23/79	8/18/83	II
36.	St. Luke Hospital 1323 North "A" Street Wellington, Kansas 67152	19-C258-01	7/7/72	7/21/82	II
37.	St. Margarets Mercy Hospital 1527 Madison Street P.O. Box 519 Fredonia, Kansas 66736	19-B517-01	9/28/83	None	II
38.	The St. Mary Hospital 1823 College Avenue P.O. Box 1047 Manhattan, KS 66502	19-B528-01	1/20/84	None	
39.	St. Mary's Hospital 15th and State Emporia, Kansas 66801	19-B426-01	3/20/80	10/29/82	II
40.	Stannard Construction Co., Inc. P.O. Box 4064, No. Wichita Station Wichita, Kansas 67204	22-B260-01	10/27/72	9/14/83	IV
41.	Sterling Drug, Inc. 1776 No. Centennial Drv. McPherson, Kansas 67460	22-B307-01	7/2/75	12/9/92	IV
42.	Stormont-Vail Regional Med. Center 1500 Southwest 10th Street Topeka, Kansas 66606	16-N341-01	11/15/76	5/17/82	I
43.	Stormong-Vail Regional Med Ctr. Pathology Department 1500 Southwest 10th Street Topeka, Kansas 66606	15-B420-01	11/27/79	5/13/82	III
44.	Subterranean Logging, Inc. P.O. Box 125 Leon, Kansas 67074	27-C140-01	7/8/66	6/7/83	III

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
45.	Suburban Medical Center P.O. Box 5959 Overland Park, Kansas 66215	19-C388-01	11/28/78	1/13/83	II
46.	Sunflower Electric Cooperative, Inc. P.O. Box 980 Hays State Bank Building Hays, Kansas 67601	22-R503-01	3/18/83	None	II
47.	Susan B. Allen Memorial Hosp. 720 W. Central Ave. El Dorado, Kansas 67042	19-B404-01	7/2/79	9/28/82	III
48.	David W. Switzer 6113 E. 12th Street Wichita, Kansas 67208	33-C502-01	3/2/83	9/14/83	V
49.	Syncor Corporation 1734 E. 63rd St., Suite 214 Kansas City, MO 64110	33-B381-01	6/21/78	None	V
50.	Superior Wireline Service, LTD. Highway 160 P.O. Box 928 Independence, KS 67301	27-B472-01	2-8-82	None	II
51.	St. John's Hospital 139 North Penn Salina, KS 67401	17-B112-02	12-5-83		



	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1.	Taylor and Associates 509 North 6th Garden City, Kansas 67846	22-B354-01	6/27/77	11/16/83	II
2.	Taylor Forge Engineered Systems Taylor Forge Division Gulf & Western Manufacturing Co. First and Iron Streets Paola, Kansas 66071	21-B108-01	9/10/65	2/9/83	I
3.	Terracon Consultants, Inc. 8431 Quivira Road Lenexa, Kansas 66215	22-B370-01	3/28/79	10/28/82	IV
4.	Thompson Construction Company P.O. Box 65 Ellinwood, Kansas 67526	22-B295-01	9/3/74	4/13/83	IV
5.	Thompson-Hayward Chemical Co. A Subsidiary of Harrisons & Crosfield Ltd. 5200 Speaker Road Kansas City, Kansas 66110	26-B143-01	2/1/66	12/6/83	IV
6.	Tigerline Corp. Highway 169 North Coffeyville, Kansas 67337	27-B523-01	12/13/83	None	II
7.	Top Wireline Services, Inc. P.O. Box 336 Chanute, Kansas 66720	27-B418-01	11/2/79	8/3/83	III
8.	City of Topeka Engineering Department 215 East Seventh Street Topeka, Kansas 66603	22-B265-01	3/30/73	8/30/74	IV
9.	City of Topeka Water Department P.O. Box 1038 Topeka, Kansas 66601	26-B453-01	4/10/81	7/27/83	IV
10.	Topeka Testing Laboratories 101 North Kansas Avenue Topeka, Kansas 66601	26-B158-01	4/7/66	5/18/82	IV
11.	Total Petroleum, Inc. 1400 South M Street Arkansas City, Kansas 67005	22-B403-01	7/2/79	4/26/83	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
12.	Toxicology Services, Inc. 8600 W. 95th Street-Suite 214 Overland Park, Kansas 66212	15-B474-01	3/2/82	10/28/82	IV
13.	Tulsa Gamma Ray, Inc. 1127 South Lervis Tulsa, OK 74104	21-B408-01	9/17/79	6/10/80	V

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1	Unified School District #259 School Service Center 3850 N. Hydraulic Wichita, Kansas 67219	22-R352-01	5/11/77	9/22/83	IV
2	University of Kansas Lawrence, Kansas 66044	38-C019-01	2/17/66	4/6/82	I
3	University of Kansas Medical Center Rainbow and 39th Street Kansas City, Kansas 66103	18-C054-02	11/5/65	4/19/83	I
4	U.S. Environmental Protection Agency, Region 7 324 East 11th Street Kansas City, Missouri 64106	33-R362-01	8/17/77	None	II
5	U.S. Environmental Protection Agency, Region 7 25 Funston Road Kansas City, Kansas 66115	26-B439-01	10/28/80	None	II
6	U.S. Geological Survey, WRD 1950 Avenue A - Campus West Lawrence, Kansas 66044	22-B473-01	3/2/82	None	II
7	Utility Contractors, Inc. 659 N. Market Wichita, Kansas 67201	22-C402-01	7/2/79	11/4/82	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1	Viking Services, Inc. Logging & Perforating P.O. Box 686 Wellington, Kansas 67152	27-B349-01	5/2/77	5/3/83	III
2	Vulcan Materials Company Chemicals Division 6200 S. Ridge Road P.O. Box 12283 Wichita, Kansas 67277	26-B266-01	5/14/73	11/2/83	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
1	Washburn University Dept. of Biology 1700 College Avenue Topeka, Kansas 66621	31-B303-01	3/31/75	10/8/82	III
2	Audrey V. Wegst. Ph.D. 5420 Pawnee Lane Fairway, Kansas 66205	33-B462-01	6/1/81	None	V
3	Welex, A Halliburton Co. 2135 Highway Six P.O. Box 42800 Houston, Texas 77042	27-C021-01	2/25/65	7/14/82	III
4	Wellcome Animal Health Division Burroughs Wellcome Company 2000 South 11th Street Kansas City, Kansas 66103	26-B150-01	3/16/66	1/20/83	IV
5	Wellington Hospital 924 S. Washington Wellington, Kansas 67152	12-B406-01	8/23/79	7/21/82	III
6	Wesley Medical Center 550 North Hillside Wichita, Kansas 67214	16-N313-02	9/8/75	12/15/82	IV
7	Wesley Medical Center 550 North Hillside Wichita, Kansas 67214	19-C041-01	4/13/65	12/21/83	I
8	Western Engineering Tech Lab 900 Main Hays, Kansas 67601	22-B515-01	8/25/83	None	II
9	D.C. White, M.D. Coffeyville Memorial Hospital Coffeyville, Kansas 67337	19-B257-01	11/30/72	10/19/83	II
10	Wichita Area Vocational-Technical School Aviation Education Center 2021 South Eisenhower Wichita, Kansas 67209	25-R497-01	1/21/83	5/9/83	I
11	City of Wichita Water Department 104 South Main Wichita, Kansas 67202	22-B304-01	3/28/75	6/6/83	IV

	Name & Address of Licensee	License Number	License Issue Date	Last Inspection Date	Priority
12	City of Wichita Department of Engineering City Hall - 7th Floor 455 North Main Wichita, Kansas 67202	22-B253-1	4/12/72	9/21/83	IV
13	The Wichita Clinic 3244 East Douglas Wichita, Kansas 67208	19-C026-01	1/28/65	5/10/83	II
14	Wichita State University 1845 Fairmont Wichita, Kansas 67208	31-C155-01	12/29/66	4/25/83	II
15	Wichita Testing Laboratories Material Engineers 810 East Murdock Street Wichita, Kansas 67214	22-B283-01	3/12/74	9/28/83	IV
16	Fenton A. Williams M.D. 710 Washington Blvd. Kansas City, Kansas 66101	11-B350-01	5/5/77	2/10/83	III
17	Wayne W. Williams 1731 Humboldt Street Manhattan, Kansas 66502	22-B427-01	3/31/80	12/11/83	II
18	William Newton Memorial Hospital 1300 East 5th Avenue Winfield, Kansas 67156	19-B298-01	2/21/75	7/20/82	II
19	Wilson Laboratories A Div. of Wilson & Co. 528 North Ninth Salina, Kansas 67401	22-B248-01	10/7/71	1/13/83	IV
20	Wilson Constructors, Inc. P.O. Box 876 Salina, Kansas 67401	22-B516-01	9/9/83	None	II
21	Wire-Tech Services, Inc. 919 East Tenth Street Great Bend, Kansas 67530	27-B442-01	11/13/80	10/6/82	III
22	Woodward-Clyde Consultants 5055 Antioch Road Overland Park, Kansas 66203	22-B395-01	4/12/79	8/16/82	IV
23	Zerr Engineering 1000 E. Fourth P.O. Drawer M Colby, KS 67701	22-B532-01	2-28-84		

Environmental Protection Agency Comments on the  
Kansas Statutes Annotated 65-3430 through 65-3448  
Submitted September 1983 to the Special Committee on Furley and Strother Field

The Environmental Protection Agency has reviewed the Kansas hazardous waste statutes, Kansas Statutes Annotated (K.S.A.) 65-3430 through 65-3448, in terms of Federal requirements set forth in the Resource Conservation and Recovery Act (RCRA) for authorizing a state to carry out its program in lieu of the Federal program. State programs applying for final authorization are subject to the following statutory standards:

- (1) They must be "equivalent" to the Federal program (RCRA Section 3006);
- (2) They may not impose any requirements "less stringent" than the Federal requirements (RCRA Section 3009);
- (3) They must be "consistent" with the Federal program and other State programs (RCRA Section 3006);
- (4) They may, however, impose requirements which are "more stringent" than those imposed by Federal regulations (RCRA Section 3009);
- (5) They must follow specific procedures for public "notice and hearing" in the permitting process (RCRA Section 7004); and
- (6) They must "provide adequate enforcement" (RCRA Section 3006).

Our review uncovered the following deficiencies of the Kansas hazardous waste statutes.

- 1. K.S.A. 65-3430 (c). The definition of disposal should specifically state that discharge "...into any water in the state,..." includes groundwater. This addition will clarify the scope of the statute and eliminate any ambiguity whether the phrase "any water" includes ground water.
- 2. K.S.A. 65-3430 (d). The definition of facility is equivalent with the Federal requirements per Title 40 Code of the Federal Regulations (40 CFR) Part 260.10 with the exception of the phrase, "... (3) treatment units..." and "... combinations of (1), (2) or (3)." We recommend omitting the examples given at the close of the definition in order to avoid confusion. The write-up on the examples is not equivalent with that given in the Federal regulation. The omission of this portion of the definition should not affect the scope of the definition.
- 3. K.S.A. 65-3430 (e). The definition of generator is not equivalent with the definition in the Federal requirement as given in 40 CFR Part 260.10. We recommend adopting the Federal definition of generator which is as follows:

Generator means any person, by site, whose act or process produces hazardous waste identified or listed in Part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

4. K.S.A. 65-3430 (f). The definition of hazardous waste includes the phrase "... is determined by the Secretary to cause ..." This phrase appears to restrict the universe of hazardous wastes to those which the Secretary has specifically determined to be hazardous. The Federal definition in 40 CFR Part 261 includes any waste which exhibits certain characteristics regardless of whether the waste has been specifically designated as hazardous.
5. K.S.A. 65-3430 (q). The definition of person should be expanded to include a joint stock company, corporation (including a government corporation), State, municipality, commission, political subdivision of a State or any interstate body. Such revision will make this definition equivalent with the Federal program per Section 1004 (15) of the RCRA.
6. K.S.A. 65-3430 (v). The definition of transporter could be revised per the Federal definition in 40 CFR 260.10 to ensure equivalency with the Federal program. The existing Kansas definition does not specifically state the mode of transportation used by a transporter. However, the Federal definition specifically states "... transportation of hazardous waste by air, rail, highway, or water."
7. K.S.A. 65-3430 (w). The definition of treatment could be revised per the definition in RCRA Section 1004 (34) to ensure equivalency with the Federal program. Recommended revisions include inserting the phrase, "including neutralization," after the phrase, "... technique or process, ...", and changing the phrase "... chemical or biological characteristic..." to "... chemical or biological character..."
8. K.S.A. 65-3430 (x). The definition of waste is not equivalent with the Federal definition per Section 1004 (27) of the RCRA as follows:
  - The definition is too limiting in terms of the universe of waste sources. It should be revised to include "... garbage, refuse from community activities..." Such revision will ensure equivalency with the provisions of RCRA.
  - The repeat of the phrase, "... or solid or dissolved materials..." following the phrase "... in irrigation return flows..." appears to be out of place. We wonder if it should not modify the phrase, "... in irrigation return flows..."
9. K.S.A. 65-3431(i). The statute authorizes the Secretary to conduct inspections. We recommend revising the statute to expressly provide authority to obtain samples, request information and copy records in addition to conducting inspections per requirements of Section 3007 (a) of the RCRA.



10. K.S.A. 65-3431 (k). The statute clearly authorizes the Secretary to establish criteria to identify hazardous waste characteristics and lists. It further provides explicit authority for establishing a hazardous waste list. However, it is not clear that the statutory provision provides authority for regulations identifying the characteristics of hazardous waste, a necessary element for final authorization per Section 3001 (b) of the RCRA and 40 CFR Part 270.9 (formerly 40 CFR Part 123.33). The Secretary should be directed to prepare and keep current not only a listing of hazardous waste but also a set of characteristics for indentifying hazardous waste.
11. K.S.A. 65-3431 (n). The statute provides the Secretary authority to adopt rules and regulations regarding the manifest system including the requirement that the destination be given on the manifest. We urge the State to revise the statute to clearly give the Secretary authority to require designation for and transportation to a facility that is authorized to operate under an authorized State hazardous waste program or the Federal hazardous waste program as set forth in Section 3002 (5) and 3003 (a) (4) of the RCRA and 40 CFR Part 271.128 (formerly 40 CFR Part 123.128).
12. K.S.A. 65-3431 (p). The statute gives the Secretary authority to adopt rules and regulations for transporters. However, the statute is deficient in terms of authority to adopt rules and regulations to allow transporters to transport waste only if the waste is properly labeled. This requirement is given in Section 3003 (a)(2) of the RCRA.
13. K.S.A.65-3431 (s). This statute has been cited in the State's pre-application legal review as the authority for the Secretary to adopt rules and regulations on standards for owners and operators of hazardous waste treatment, storage and disposal (TSD) facilities. There are two deficiencies as follows:
  - ° The authority is weak standing alone. The statute authorizes the Secretary to adopt regulations establishing a permit system equivalent to that established by Section 3005 of RCRA. Section 3005 is basically a procedural provision, the substantive standards provision being found in Section 3004. Section 3005, in fact, states that its requirements and those of Section 3004 must be achieved before a permit can be issued. Thus, the permit system of Section 3005 does not consider or authorize standards itself, that authority is independent. Kansas has no such independent authority to promulgate standards for TSD's (although it does have such authority for standards for generators and transporters). The only suggestion of authority in K.S.A. 65-3431 (s) is that the permit regulations can require "compliance with standards." This reference may not be an adequate statutory basis on which to promulgate the required standards. K.S.A. 65-3431(a) authorizes the Secretary to adopt standards "...necessary to protect the public health and environment and enable the Secretary to carry out the purposes and provisions of this act." and K.S.A. 65-3431(q) authorizes the Secretary to adopt "...standards and procedures to protect public health and

environment from accidental release of hazardous...and to insure the prompt correction of any such release..." These provisions, in combination with K.S.A. 65-3431(s) might prove sufficient to serve as a strong statutory basis for the TSD standards.

- ° K.S.A. 65-3431(s) is cited in the State's request for the pre-application legal review of the statutes as authority to provide public participation in the permitting process. K.S.A. 65-3431(s) does not specifically provide for such procedures. This statute authorizes permitting procedures equivalent to RCRA Section 3005, but Section 3005 does not contain public participation procedures. Does the State have this authority pursuant to another statutory provision or administrative procedures statute? Public participation requirements are set forth in Section 7004(b) of the RCRA.

It has been suggested that the reference to Section 3005 be deleted and following phrase be added following "permit system" to clarify and enhance the language, namely "which includes standards for facilities and procedures for permit system implementation."

14. K.S.A. 65-3441. The state has cited this statute as authority to seek criminal remedies. This statute is not equivalent to Federal requirements per Section 3008 (d)(3) and 40 CFR Part 271.16 (formerly Part §123.9) because it does not apply to violations pertaining to false statements and misrepresentations. Additionally, Kansas must provide for criminal fines in at least the amount of \$10,000 per day for each violation. Kansas' maximum penalty is \$5,000 per day per violation under K.S.A. 21-4503. Finally, the inspection authority must include generators, transporters and not be limited in time.
15. K.S.A. 65-3444. In subsection (b) (2), the words "substance" and "discharge" are used. Because "substance" is undefined in the hazardous waste statutes and "discharge" is too limited, we recommend replacing the words with hazardous waste and disposal, respectively, thus Subpart(b)(2) would be revised as follows; "... characteristics of the hazardous waste disposed or ... if no hazardous waste... has been disposed,... the disposal degrades... if no disposal has occurred..."
16. K.S.A. 65-3445. The statute is not equivalent to the Federal requirements of Section 3008 of the RCRA and as further set forth in 40 CFR 271.16 (formerly Part 123.9). The State should address two aspects of this statute as it compares to Section 3008.
  - ° Can the State issue a cease and desist order or seek a restraining temporary (TRO) for "... any threatened or continuing violation of any program requirement, including permit conditions, without the necessity of a prior revocation of the permit..." as required by 40 CFR Part 271.16? We believe the statute limits the authority of the Secretary to issue orders and seek injunctions in those situations that "... may present a substantial hazard to the health of persons or to the environment..." is limited. The statute should clearly state that the Secretary may also issue orders and seek injunctions for a threatened or actual

violation of the Act, regulations, orders and permit conditions thereunder.

- Under K.S.A. 65-3445 (a) (i), the Secretary must have authority to issue an order or injunction to an owner as well as operator of a treatment or disposal facility. Additionally, the provisions of statute must apply to an owner or operator of a storage facility, a generator and transporter.
- 17. K.S.A. 65-3447. This statute deals only with how information can be withheld from the public pursuant to a claim of confidentiality. The statute does not provide for disclosing nonconfidential information to the public as required by Section 3007(b) of the RCRA. We recommend the statute be revised accordingly, if this element is not covered by other statutes of K.S.A. than those under review.
- 18. As a precaution, and in order to ease the transference of the Federal permit program to the State, a provision authorizing the Secretary to assume the administrative responsibility for Federally issued RCRA permits when the State receives approval for final authorization should be included in the revised statutes. We recommend such action as a back-up measure in case for some unforeseen circumstances, we are not able to jointly issue identical state and Federal RCRA permits.
- 19. The provisions of Kansas law providing for citizen intervention in enforcement cases do not meet the requirements of Section 7002 of the RCRA. In the pre-application legal review, the State referred to the Attorney General's statement submitted as part of the Phase I interim authorization package. That statement (dated July 28, 1981) states that Kansas was seeking to fulfill the interim authorization public participation requirements by use of an approved hybrid method established by regulation. That method has not been "approved" for use in final authorization applications. In addition, the overall goal of final authorization is equivalency as compared to substantial equivalency of interim authorization. RCRA (Section 7002) calls for public intervention as a matter of right without limitation. At this time we do not have a firm opinion as to whether any statement less than that would be acceptable for final authorization.

Our review of the Kansas statutes can be grouped into categories:

- Statutes which we believe the State must amend to provide the needed authority for State equivalency with the Federal requirements include K.S.A. 65-3430 (c), (d), (e), (f), (q), (w) and (x); 65-3431 (i), (n), (p) and (s); 65-3441; 65-3444, and 65-3445. In addition, the State must demonstrate that the provisions of the Kansas law providing for citizen intervention in enforcement cases is equivalent with the requirements of Section 7002 of the RCRA.
- The remainder of our comments request clarification of the State's authority. A statutory change is the preferable method of clarification, since it would remove any questions about the State's authority. The alternative is

to have the Attorney General state that the statutes provide the necessary authority and to cite the appropriate statutes in the final authorization application.

Senate Bill No. 281 takes care of most of the deficiencies noted above. Our findings on the review of Senate bill No. 281 are as follows:

- ° Corrects the deficiencies noted of K.S.A. 65-3430 (c), (d), (e), (q), (v), and (w) partially. Consideration must still be given to our comment on K.S.A. 65-3430 (f), (w) and (x).

The definition of waste, K.S.A. 65-3430 (x), must be retained and revised in keeping with our findings. Although solid waste is defined in the State statutes on solid waste, K.S.A. 65-3402, it states, "Such term shall not include hazardous wastes." The retention of the definition of waste in Senate Bill 281 prompts a correction of the proposed definition of hazardous waste. The word solid should be omitted from the proposed definition of hazardous waste. The revised definition should read, "Hazardous waste means waste or combination of wastes..."

- ° Partially corrects the deficiencies noted of K.S.A. 65-3431 (i). The insertion of authority to obtain samples addresses one of our concerns. However, the Secretary must have authority to request information and copy records. The term "data" does not expressly provide for this authority especially, since it is not defined in the statutes.
- ° May correct the deficiency noted of K.S.A. 65-3431 (p) by the inclusion of the phrase, "..., but not limited to,..." The State probably could assert authority to adopt rules and regulations on labeling by virtue of this language. However, since the State is revising this statute, we recommend adding labeling to the list of activities to avoid having to interpret this in the future.
- ° Partially corrects K.S.A. 65-3431 (s) per our comments by striking reference to Section 3005 of the RCRA. However, the proposed revised statute does not clearly state that the Secretary is authorized to adopt rules and regulations establishing standards for a facility in addition to the authority for establishing the procedures for a permit system.
- ° Corrects the deficiency noted of K.S.A. 65-3441 in terms of the minimum criminal penalty of \$10,000 and inspection authority. However, the Kansas statutes must also have authority to take enforcement action for violations pertaining to false statements and misrepresentations.
- ° Does not correct the deficiencies or comments made of K.S.A. 65-3431 (k) and (n), 65-3443, 65-3444, 65-3445, 65-3447, and provisions regarding confidential information, assumption of administrative responsibility for Federal permits and citizen intervention in enforcement cases.

We strongly urge the State to consider statutory amendments to address the issues which we have identified in our review of current Kansas statutes to assure the State receives final authorization by the January 26, 1985

deadline. Should the State only make the minimum statutory changes (group one as noted above), we wish to point out that possible problems might arise when the State applies for final authorization. The Attorney General might not be able to make the necessary statements or the authority might not exist, as we have suggested in our comments, in other statutes. Statutory deficiencies coupled with other deficiencies, such as with the program or regulations, could result in the denial of or a substantial delay of final authorization of the Kansas program. Thus, we recommend you consider statutory amendments for all the deficiencies and concerns that we have identified in our review.

[As Amended by House Committee of the Whole]

As Further Amended by House Committee

As Amended by House Committee

Session of 1984

## HOUSE BILL No. 2740

By Committee on Energy and Natural Resources

1-23

0024 AN ACT relating to hazardous wastes; amending K.S.A. 1983  
0025 Supp. 65-3430, 65-3431, 65-3432, 65-3433, 65-3435, 65-3436,  
0026 65-3437, 65-3439, 65-3441, 65-3442, 65-3443, 65-3444, 65-3445  
0027 and 65-3446 and repealing the existing sections; also repeal-  
0028 ing K.S.A. 1983 Supp. 65-3448.

0029 *Be it enacted by the Legislature of the State of Kansas:*

0030 Section I. K.S.A. 1983 Supp. 65-3430 is hereby amended to  
0031 read as follows: 65-3430. As used in K.S.A. 1982 Supp. 65-3430 to  
0032 ~~65-3448~~ 65-3447, and amendments thereto:

0033 (a) "Board" means the hazardous waste disposal facility ap-  
0034 proval board.

0035 (b) "Department" means the Kansas department of health  
0036 and environment.

0037 (c) "Disposal" means the discharge, deposit, injection,  
0038 dumping, spilling, leaking or placing of any hazardous waste into  
0039 or on any land or water so that such hazardous waste or any  
0040 constituent thereof may enter the environment or be emitted in  
0041 into the air or discharged into any water in the state waters,  
0042 including groundwater.

0043 (d) "Facility" means all contiguous land, structures and other  
0044 appurtenances and improvements on the land utilized for the  
0045 purpose of treating, storing, or disposing of hazardous waste. A  
0046 facility may consist of several treatment, storage, or disposal  
0047 operational units such as (1) one or more landfills; (2) surface  
0048 impoundments; (3) treatment units or (4) combinations of (1), (2)  
0049 or (3).

Attachment 3

Atch. 3

0050 (e) "Generator" means any person producing or bringing into  
 0051 existence hazardous waste, by site, whose act or process pro-  
 0052 duces hazardous waste or whose act first causes a hazardous  
 0053 waste to become subject to regulation.

0054 (f) "Hazardous waste" means waste or combination of wastes  
 0055 which because of its quantity, concentration or physical, chemi-  
 0056 cal, *biological* or infectious characteristics or is as *otherwise*  
 0057 determined by the secretary to be dangerous to human health or  
 0058 present a substantial existing or potential hazard to the environ-  
 0059 ment when improperly managed. Such term shall include radio-  
 0060 active hazardous waste. Such term shall not include: (1) House-  
 0061 hold waste; or (2) agricultural waste returned to the soil as  
 0062 fertilizer; or (3) mining waste and overburden from the extrae-  
 0063 tion, beneficiation and processing of ores and minerals, if re-  
 0064 turned to the mine site; or (4) drilling fluids, produced waters  
 0065 and other wastes associated with the exploration, development  
 0066 and production of crude oil, natural gas or geothermal energy; or  
 0067 (5) fly ash, bottom ash, slag and flue gas emission control wastes  
 0068 generated primarily from the combustion of coal or other fossil  
 0069 fuels; or (6) cement kiln dust cause, or significantly contribute to  
 0070 an increase in mortality or an increase in serious irreversible or  
 0071 incapacitating reversible illness; or pose a substantial present  
 0072 or potential hazard to human health or the environment when  
 0073 improperly treated, stored, transported or disposed of or other-  
 0074 wise managed. Hazardous waste shall not include: (1) House-  
 0075 hold waste; (2) agricultural waste returned to the soil as fertil-  
 0076 izer; (3) mining waste and overburden from the extraction,  
 0077 beneficiation and processing of ores and minerals, if returned to  
 0078 the mine site; (4) drilling fluids, produced waters and other  
 0079 wastes associated with the exploration, development and pro-  
 0080 duction of crude oil, natural gas or geothermal energy; (5) fly ash,  
 0081 bottom ash, slag and flue gas emission control wastes generated  
 0082 primarily from the combustion of coal or other fossil fuels; (6)  
 0083 cement kiln dust; or (7) materials listed in 40 CFR 261.4.

, as in effect on July 1, 1983

0084 (g) "Hazardous waste disposal facility" means all contiguous  
 0085 land, structures and other appurtenances, and improvements on  
 0086 the land utilized for the disposal of hazardous waste a facility or

87 part of a facility at which hazardous waste is treated, stored or  
0088 disposed and at which waste will remain after closure.

0089 (h) "Hazardous waste storage facility" means a location  
0090 where hazardous waste is held for a temporary period at the end  
0091 of which the hazardous waste is treated, stored or disposed of at  
0092 another location. Such term shall not include (1) a location at the  
0093 place of waste generation where hazardous waste is accumulated  
0094 for a period of 90 days or less in accordance with rules and  
0095 regulations adopted by the secretary or (2) a transfer facility  
0096 where a transporter is storing manifested shipments of hazardous  
0097 waste in containers approved by the secretary for a period of 10  
0098 days or less.

0099 (i) "Hazardous waste treatment facility" means any location,  
0100 except a publicly owned treatment works holding a permit is-  
0101 sued under K.S.A. 65-165, where any method, technique or  
0102 process is applied to hazardous waste to change its physical,  
0103 biological or chemical characteristics or to render such waste  
0104 nonhazardous, safer for transport or disposal, amenable for re-  
0105 covery or storage or reduced in volume.

0106 (j) (h) "Hazardous waste management system" means the  
0107 systematic control of the collection, source separation, storage,  
0108 transportation, processing, treatment, recovery and disposal of  
0109 hazardous waste by any person.

0110 (k) "License" means the document issued to a person by the  
0111 secretary under the authority of K.S.A. 48-1607 and amendments  
0112 thereto, which allows such person to construct and operate a  
0113 radioactive hazardous waste storage or disposal facility in the  
0114 state.

0115 (l) (i) "Manifest" means the form prescribed by the secretary  
0116 to be used for identifying the quantity, composition, origin and  
0117 the, routing and destination of hazardous waste during its trans-  
0118 portation from the point of generation to the point of disposal,  
0119 treatment or storage or at any point in between.

0120 (m) (j) "Modification" means the expansion or enlargement  
0121 of a facility beyond the permitted boundaries established by an  
0122 existing permit issued by the secretary or any material or sub-  
0123 stantial addition to an existing permitted facility.



0124 which would justify the application of permit conditions that  
0125 would be materially or substantially different from the condi-  
0126 tions of the existing permit or are absent from the existing  
0127 permit.

0128 (n) (k) "Monitoring" means all procedures used to (1) sys-  
0129 tematically inspect and collect *samples or require information*  
0130 *and copy records or data* on the operational parameters of a  
0131 facility, generator or a transporter; or (2) to systematically collect  
0132 and analyze data on the quality of the air, groundwater, surface  
0133 water or soil on or in the vicinity of a hazardous waste disposal,  
0134 storage or treatment generator, transporter or facility.

0135 (l) "Off-site facility" means a facility where treatment, stor-  
0136 age or disposal activities are conducted by a person or other  
0137 than the hazardous waste generator.

0138 (o) (m) "On-site facility" means a facility which is located on  
0139 property contiguous to or divided only by a public or private way  
0140 from the source of generation and which is solely owned and  
0141 operated by the generator exclusively for the treatment, storage  
0142 or disposal of wastes which have been generated on the contig-  
0143 uous property and includes the same or geographically contigu-  
0144 ous property which may be divided by public or private right of  
0145 way, provided the entrance and exit between the properties is at  
0146 a crossroads intersection and access is by crossing and not going  
0147 along the right-of-way or noncontiguous properties owned by  
0148 the same person but connected by a right-of-way which the  
0149 person controls and to which the public does not have access.

0150 (p) (n) "Permit" means the document issued to a person by  
0151 the secretary which allows such person to construct and operate  
0152 a hazardous waste treatment, storage or disposal facility in the  
0153 state.

0154 (q) (o) "Person" means an individual, partnership, firm,  
0155 trust, company, association, corporation, institution, political  
0156 subdivision or state or federal agency trust, firm, joint stock  
0157 company, federal agency, corporation, including a government  
0158 corporation, partnership, state, municipality, commission, po-  
0159 litical subdivision of a state or any interstate body.

(r) "Hazardous waste" means discarded by prod-

0161 net material, source material, or special nuclear material as  
0162 defined by K.S.A. 48-1603.

0163 (s) (p) "Secretary" means the secretary of the department of  
0164 health and environment.

0165 (t) "Short-term storage" means (1) the accumulation of haz-  
0166 ardous waste for a period of 90 days or less at an "on-site facility"  
0167 in accordance with rules and regulations adopted by the secre-  
0168 tary or (2) the temporary storing of manifested shipments of  
0169 hazardous wastes in containers approved by the secretary on or  
0170 in the property of the transporter for a period of 10 days or less.

0171 (u) (q) "Storage" means the containment holding of hazard-  
0172 ous waste, either on a temporary basis or for a period of years, in  
0173 such a manner as not to constitute disposal of the hazardous  
0174 waste. "Short-term storage" as defined in subsection (t), does not  
0175 constitute "storage" for a temporary period at the end of which  
0176 the hazardous waste is treated, disposed of or stored elsewhere.

0177 (v) (r) "Transporter" means any person who conveys or  
0178 moves hazardous waste from the point of its generation or any  
0179 other point to a treatment, storage or disposal facility or any point  
0180 in between is engaged in the off-site transportation of hazard-  
0181 ous waste by air, rail, land, highway or water.

0182 (w) (s) "Treatment" means any method, technique, or  
0183 process, including neutralization, designed to change the phys-  
0184 ical, chemical or biological characteristics character or composi-  
0185 tion of any hazardous waste so as to neutralize such waste or as to  
0186 render such waste nonhazardous, safer for transport, amenable  
0187 for recovery or storage, convertible to another usable material or  
0188 reduced in volume and suitable for ultimate disposal so as to  
0189 recover energy or material resources from the waste, to render  
0190 such waste nonhazardous, or less hazardous, safer to transport,  
0191 store or dispose of or amendable for recovery, amendable for  
0192 store or dispose of or amendable for recovery, amendable for  
0193 storage or reduced in volume.

0194 (x) (t) "Waste" means any garbage, refuse, sludge or other  
0195 discarded material which is abandoned or committed to treat-  
0196 ment, storage or disposal, including solid, liquid, semisolid, or

amenable

0198 cial, mining, *community* and agricultural activities; and includ-  
0199 ing discarded by-product material, source material, or special  
0200 nuclear material as defined in K.S.A. 48-1603. Waste does not  
0201 include solid or dissolved materials in domestic sewage, in  
0202 irrigation return flows, or solid or dissolved materials or indus-  
0203 trial discharges which are point sources subject to permits under  
0204 K.S.A. 65-165. Waste does not include solid or dissolved materi-  
0205 als in domestic sewage, in irrigation return flows, or solid or  
0206 dissolved materials or industrial discharges which are point  
0207 sources subject to permits under K.S.A. 65-165, and amendments  
0208 thereto.

0209 Sec. 2. K.S.A. 1983 Supp. 65-3431 is hereby amended to read  
0210 as follows: 65-3431. The secretary is authorized and directed to:

0211 (a) Adopt such rules and regulations, standards and procedures  
0212 relative to hazardous waste management as shall be necessary to  
0213 protect the public health and environment and enable the sec-  
0214 retary to carry out the purposes and provisions of this act.

0215 (b) Report to the legislature on further assistance needed to  
0216 administer the hazardous waste management program.

0217 (c) Administer the hazardous waste management program  
0218 pursuant to provisions of this act.

0219 (d) Cooperate with appropriate federal, state, interstate and  
0220 local units of government and with appropriate private organi-  
0221 zations in carrying out the duties under this act.

0222 (e) Develop a statewide hazardous waste management plan.

0223 (f) Provide technical assistance, including the training of  
0224 personnel, to industry, local units of government and the haz-  
0225 ardous waste management industry to meet the requirements of  
0226 this act.

0227 (g) Initiate, conduct and support research, demonstration  
0228 projects, and investigations and coordinate all state agency re-  
0229 search programs with applicable federal programs pertaining to  
0230 hazardous waste management systems.

0231 (h) Establish policies for effective hazardous waste manage-  
0232 ment systems.

0233 (i) Authorize issuance of such permits and orders and, con-  
0234 duct such inspections and collect samples or request require

0235 *information and copy records or data* as may be necessary to  
 0236 implement the provisions of this act and the rules and regula-  
 0237 tions and standards adopted pursuant to this act.

0238 (j) Conduct and contract for research and investigations in  
 0239 the overall area of hazardous waste storage, collection, transpor-  
 0240 tation, treatment, recovery and disposal including, but not lim-  
 0241 ited to, new and novel procedures.

0242 (k) Adopt rules and regulations establishing criteria *and*  
 0243 ~~characteristics~~ for identifying the characteristics of hazardous  
 0244 waste and for listing hazardous waste. The criteria shall take into  
 0245 account ~~toxicity, persistence in nature and degradability in na-~~  
 0246 ~~ture, potential for accumulation in tissue, potential to cause~~  
 0247 ~~irreversible physical harm and other related factors such as~~  
 0248 ~~reactivity, ignitibility, corrosiveness and other hazardous~~  
 0249 ~~characteristics.~~ The secretary shall prepare and keep current a  
 0250 listing of hazardous wastes *and set of characteristics* based on  
 0251 the rules and regulations adopted pursuant to this subsection.  
 0252 The listing shall identify, but shall *need* not be inclusive of, *all*  
 0253 the hazardous waste subject to the provisions of this act. The  
 0254 ~~criteria for identification and listing shall be consistent with the~~  
 0255 ~~criteria for identification and listing adopted by the administrator~~  
 0256 ~~of the United States environmental protection agency under the~~  
 0257 ~~authority vested in the administrator by the Resource Conserva-~~  
 0258 ~~tion and Recovery Act of 1976 (42 USC 6921) as amended by the~~  
 0259 ~~Solid Waste Disposal Act of 1980 (P.L. 94-482, October 21, 1980),~~

0260 (l) Adopt rules and regulations establishing: (1) Appropriate  
 0261 measures for monitoring the ~~transportation of hazardous waste~~  
 0262 ~~and hazardous waste storage, treatment and disposal generators,~~  
 0263 ~~transporters and facilities during operation, closure, and after~~  
 0264 ~~closure of such facilities to insure compliance with the rules and~~  
 0265 ~~regulations adopted under this act and any permit issued under~~  
 0266 ~~this act; (2) procedures to suspend operation of such generators,~~  
 0267 ~~transporters or facilities or transportation as may be required to~~  
 0268 ~~protect the public health and safety or the environment; and (3)~~  
 0269 ~~appropriate measures to insure that any use of a hazardous waste~~  
 0270 ~~disposal facility after closure will not endanger the public health~~  
 0271 ~~or safety or the environment.~~

The criteria for identification and listing shall be consistent with the criteria for identification and listing adopted by the administrator of the United States environmental protection agency under the authority vested in the administrator by the Resource Conservation and Recovery Act of 1976 (42 USC 6921) as amended by the Solid Waste Disposal Act of 1980 (P.L. 94-482, October 21, 1980).

0272 (m) Adopt rules and regulations establishing standards for  
 0273 hazardous waste generators including, *but not limited to*, notifi-  
 0274 cation of hazardous waste activity generation, reporting, record  
 0275 keeping, labeling, containerization, source separation, storage,  
 0276 short term storage, manifests, monitoring, sampling and analysis  
 0277 and manner of filing notifications, reports and manifests.

0278 (n) Adopt rules and regulations prescribing the form of the  
 0279 manifest and requiring such manifest to accompany any hazard-  
 0280 ous waste collected, transported, treated, recovered or disposed  
 0281 of, and proscribing the contents of the manifest which shall  
 0282 include, *but not be limited to* the quantity and composition of  
 0283 the hazardous waste, generator, transporter and, destination,  
 0284 facility and the manner of signing and filing of the manifest by  
 0285 generators, transporters and operators of treatment, disposal and  
 0286 storage facilities, and for the maintenance of records of all haz-  
 0287 ardous waste stored, collected, transported, treated or disposed  
 0288 in the state.

0289 (o) Adopt rules and regulations establishing standards for  
 0290 routes and equipment used for transporting hazardous waste  
 0291 within the state and requiring the secretary's approval of such  
 0292 routes, with the concurrence of the Kansas department of trans-  
 0293 portation as to the structural adequacy of the roads, highways and  
 0294 structures making up such routes. Such standards shall be con-  
 0295 sistent with those of the United States and Kansas departments of  
 0296 transportation, with respect to transportation of hazardous mate-  
 0297 rials. Motor vehicles which are used for the transportation of  
 0298 hazardous waste in accordance with this act shall be exempt from  
 0299 the requirements of K.S.A. 66-1,108 *et seq.*, and amendments  
 0300 thereto, and any rules and regulations adopted thereunder per-  
 0301 taining to routes and the motor vehicle equipment used for the  
 0302 containment of hazardous waste which both shall be under the  
 0303 jurisdiction of the secretary as provided in this act including any  
 0304 rules and regulations adopted thereunder. Otherwise such motor  
 0305 vehicles shall be subject to the requirements of K.S.A. 66-1,108  
 0306 *et seq.*, and amendments thereto, and any rules and regulations  
 0307 adopted thereunder.

with the concurrence of the Kansas department  
 of transportation

0308 (p) Adopt rules and regulations establishing standards for

0309 transporters of hazardous waste including registration, *but not*  
0310 *limited to, notification of hazardous waste transport, manifests,*  
0311 *labeling, record keeping and the filing of reports; and requiring*  
0312 *any person transporting hazardous waste in the state to submit to*  
0313 *the secretary satisfactory evidence of liability insurance cover-*  
0314 *age in such amount as the secretary shall specify to insure the*  
0315 *financial responsibility of such person for any liability incurred*  
0316 *in transporting such waste.*

0317 (q) Adopt rules and regulations establishing standards and  
0318 procedures to protect public health and the environment from  
0319 any accidental release of hazardous waste into the environment  
0320 and to insure the prompt correction of any such release and  
0321 damage resulting therefrom by the person transporting, handling  
0322 or managing such hazardous waste.

0323 (r) Adopt rules and regulations requiring that, for such period  
0324 of time as the secretary shall specify, any assignment, sale,  
0325 conveyance or transfer of all or any part of the real property upon  
0326 which a hazardous waste treatment, storage or disposal facility is  
0327 or has been located shall be subject to such terms and conditions  
0328 as to the use of such property as the secretary shall specify to  
0329 protect human health and the environment.

0330 (s) Adopt rules and regulations establishing a permit system  
0331 equivalent to the permit system established by Sec. 3005 of P.L.  
0332 94-580, as in effect on the effective date of this act, *which*  
0333 *includes standards for facilities and procedures for implemen-*  
0334 *tation of a permit system for the construction, alteration, or*  
0335 *operation of a hazardous waste treatment, storage or disposal*  
0336 *facility including, but not limited to, content of applications,*  
0337 *evidence of financial responsibility, existing hydrogeological*  
0338 *characteristics, environmental assessment, training of personnel,*  
0339 *maintenance of operations, qualifications of ownership, conti-*  
0340 *nulty of operation, public notification and participation and*  
0341 *compliance with those standards established pursuant to sub-*  
0342 *section (t).*

0343 (t) Adopt rules and regulations establishing minimum stan-  
0344 dards for the *design, location, construction, alteration, opera-*  
0345 *tion, termination, closing and long-term care of facilities for the*

0346 treatment, storage or disposal of hazardous waste or for storage or  
0347 disposal of radioactive hazardous waste for which a permit or  
0348 license has been issued by the secretary including, but not  
0349 limited to, notification of hazardous waste treatment, storage or  
0350 disposal, general facility standards, contingency plans, emer-  
0351 gency procedures, manifest system, recordkeeping, inspections,  
0352 monitoring, reporting, closure and post-closure plans and fi-  
0353 nancial requirements. The operator of the facility shall be re-  
0354 sponsible for long-term care of the facility for 30 years after  
0355 closure of the facility except that the secretary may modify the  
0356 long-term care requirements for any facility when all hazardous  
0357 waste is removed from the facility at closure. The secretary may  
0358 extend the long-term care responsibility of any operator of a  
0359 facility as the secretary may deem necessary to protect the public  
0360 health and safety or the environment. Any person acquiring  
0361 rights of possession or operation of any facility permitted or  
0362 licensed by the secretary for the treatment, storage or disposal of  
0363 hazardous waste or radioactive hazardous waste at any time after  
0364 the facility has begun to accept waste and prior to the end of the  
0365 required period of long-term care shall be subject to all of the  
0366 requirements, terms and conditions of the permit for the facility  
0367 or of a license issued under the authority of K.S.A. 48-1607 and  
0368 amendments thereto, including all requirements relating to  
0369 long-term care of the facility. The sale or acquisition of a haz-  
0370 ardous waste disposal facility during the long-term care period  
0371 shall be subject to the assignment of long-term care responsibil-  
0372 ities as determined by the secretary.

0373 (u) Adopt rules and regulations establishing a schedule of  
0374 fees to be paid to the secretary by: (1) Permittees operating  
0375 hazardous waste treatment, storage or disposal facilities under  
0376 permits issued by the secretary; (2) licensees storing or disposing  
0377 of radioactive hazardous wastes with a license issued under the  
0378 authority of K.S.A. 48-1607 and amendments thereto; (3); (2)  
0379 hazardous waste transporters transporting hazardous wastes  
0380 generated in Kansas to hazardous waste treatment, storage or  
0381 disposal facilities located in Kansas; in other states or outside the  
0382 continental United States; and (4) who notified the department

0383 ~~of their hazardous waste activity;~~ or (3) hazardous waste genera-  
0384 tors producing or bringing into existence hazardous waste in  
0385 Kansas. The fees shall be for monitoring facilities both during  
0386 and after operation, for monitoring generators of hazardous waste  
0387 in Kansas and for monitoring the transportation of hazardous  
0388 wastes generated in Kansas to hazardous waste facilities for  
0389 storage, treatment and disposal. The fees shall be sufficient to  
0390 reimburse the cost of the state in performing these monitoring  
0391 responsibilities, except that the fee established under this sub-  
0392 section (u) for each hazardous waste disposal facility or for each  
0393 radioactive hazardous waste disposal facility [for each hazardous  
0394 waste disposal facility] shall be not less than \$1,500 annually. In  
0395 setting fees, the secretary may exempt those fees which would  
0396 be payable on treatment processes which recover substantial  
0397 amounts of either energy or materials from hazardous wastes.  
0398 The secretary shall remit any moneys collected from such fees to  
0399 the state treasurer. Upon receipt of any such remittance, the state  
0400 treasurer shall deposit the entire amount thereof in the state  
0401 general fund. Nothing in this subsection shall be construed to  
0402 relieve a permit holder, licensee or other person responsible for  
0403 the operation or long-term care of a facility of any monitoring  
0404 duty or requirement in effect on the effective date of this act or  
0405 any such duty which may be imposed as a condition of any future  
0406 permit or license issued under authority of this act or K.S.A.  
0407 48-1607 and amendments thereto.

0408 (v) (1) Adopt rules and regulations establishing a schedule of  
0409 fees to be paid to the secretary by licensees operating radioactive  
0410 hazardous waste storage or disposal facilities under a license  
0411 issued by the secretary under the authority of K.S.A. 48-1607 and  
0412 amendments thereto. In establishing fees, the secretary shall  
0413 give consideration for contamination, cost of storage or disposal,  
0414 estimate future receipts and estimated future expenses to the  
0415 state for maintenance, monitoring and supervision for such fa-  
0416 cilities. Fees shall be in an amount not to exceed \$1 per cubic  
0417 foot of radioactive hazardous waste or material. Fees shall be  
0418 collected from each licensee who operates a radioactive hazard-  
0419 ous waste storage or disposal facility licensed under the author-

not exceed \$10,000



0420 ity of K.S.A. 48-1607 and amendments thereto. No educational  
0421 institution shall be required to pay any such fee. Each licensee  
0422 as an advance payment of the fees authorized under this subsec-  
0423 tion; shall remit to the secretary an amount to be established by  
0424 the secretary not to exceed \$25,000 upon request and notification  
0425 by the secretary that its initial application for a license or initial  
0426 renewal thereof has been approved; subject to receipt of the  
0427 advance payment. Commencing with the second renewal; no  
0428 advance payment shall be required. The advance payment shall  
0429 constitute a credit against any fee which may be assessed pursu-  
0430 ant to this subsection.

0431 (2) The secretary shall remit any moneys collected to the  
0432 state treasurer to be deposited in the state treasury and credited  
0433 to the radioactive hazardous waste perpetual care trust fund;  
0434 which fund is hereby created and from which expenditures shall  
0435 be limited to the following uses: (A) Payment of extraordinary  
0436 costs of monitoring a licensed radioactive waste storage or dis-  
0437 posal facility after the responsibility of the operator has termi-  
0438 nated; (B) payment of costs of repairing a licensed radioactive  
0439 hazardous waste storage or disposal facility and costs of repairing  
0440 environmental damages caused by a licensed radioactive haz-  
0441 ardous waste storage or disposal facility; as a result of a post-clo-  
0442 sure occurrence which poses a substantial radiation hazard to  
0443 public health and safety or to the environment. If an expenditure  
0444 made under this subsection would not have been necessary had  
0445 the person responsible for the operation or long-term care of the  
0446 licensed radioactive hazardous waste storage or disposal facility  
0447 had complied with the requirements of a plan of operation  
0448 approved by the secretary when the license was issued; a cause  
0449 of action in favor of the fund shall be accrued to the state of  
0450 Kansas against such person and the secretary shall take such  
0451 action as is appropriate to enforce this cause of action by recov-  
0452 ering any amounts so expended. The net proceeds of any such  
0453 recovery shall be paid into the fund; and (C) on an emergency  
0454 basis up to 20% of the balance in the radioactive hazardous waste  
0455 perpetual care trust fund may be allocated for investigation;  
0456 engineering, equipment and construction related to the removal.

0457 treatment and disposal of radioactive hazardous wastes stored or  
0458 disposed of in any radioactive hazardous waste storage or dis-  
0459 posal facility closed prior to the effective date of this act when  
0460 such radioactive hazardous waste is found to pose an imminent  
0461 and substantial risk to the public health and safety or to the  
0462 environment.

0463 (3) The pooled money investment board may invest and  
0464 reinvest moneys in the radioactive hazardous waste perpetual  
0465 care trust fund established under this subsection in obligations  
0466 of the United States or obligations the principal and interest of  
0467 which are guaranteed by the United States or in interest-bearing  
0468 time deposits in any commercial bank or trust company located  
0469 in Kansas or, if the board determines that it is impossible to  
0470 deposit such moneys in such time deposits, in repurchase  
0471 agreements of less than 30 days' duration with a Kansas bank for  
0472 direct obligations of, or obligations that are insured as to princi-  
0473 pal and interest by the United States government or any agency  
0474 thereof. Any income or interest earned by such investments shall  
0475 be credited to the radioactive hazardous waste perpetual care  
0476 trust fund.

0477 (4) All expenditures from the radioactive hazardous waste  
0478 perpetual care trust fund shall be made in accordance with  
0479 appropriation acts upon warrants of the director of accounts and  
0480 reports issued pursuant to vouchers approved by the secretary  
0481 and shall be expended for the purposes set forth in this subsec-  
0482 tion.

0483 (w) (v) (1) Adopt rules and regulations establishing a sched-  
0484 ule of fees to be paid to the secretary by permittees operating  
0485 hazardous waste disposal facilities under a permit issued by the  
0486 secretary under this act and amendments thereto. In establishing  
0487 fees, the secretary shall give consideration to degree of hazard,  
0488 costs of treatment and disposal, estimated future receipts and  
0489 estimated future expenses to the state for monitoring, mainte-  
0490 nance and supervision of the facilities after closure. Fees shall be  
0491 in an amount not to exceed \$.25 per cubic foot of hazardous waste  
0492 disposed of. Fees shall be collected from each permittee who  
0493 operates a hazardous waste disposal facility under a permit

0404 issued by the secretary under this act. Each permittee, as an  
0405 advance payment of the fees authorized under this subsection,  
0406 shall remit to the secretary an amount to be established by the  
0407 secretary not to exceed \$25,000 upon request and notification by  
0408 the secretary that an initial application for a permit or initial  
0409 renewal thereof has been approved, subject to receipt of the  
0500 advance payment. Commencing with the second renewal, no  
0501 advance payment shall be required. The advance payment shall  
0502 constitute a credit against any fee which may be assessed pursu-  
0503 ant to this subsection.

0504 (2) The secretary shall remit any money collected pursuant to  
0505 this subsection to the state treasurer to be deposited in the state  
0506 treasury and credited to the hazardous waste perpetual care trust  
0507 fund, which fund is hereby limited to the following uses: (A)  
0508 Payment of extraordinary costs of monitoring a permitted haz-  
0509 ardous waste disposal facility after the responsibility of the  
0510 operator has terminated; (B) payment of costs of repairing a  
0511 hazardous waste and hazardous waste disposal facility, as a result  
0512 of a post-closure occurrence which poses a substantial hazard to  
0513 public health or safety or to the environment. If an expenditure  
0514 made under this subsection would not have been necessary had  
0515 the person responsible for the operation or long-term care of the  
0516 permitted hazardous waste disposal facility complied with the  
0517 requirements of a plan of operation approved by the secretary  
0518 when the permit was issued, a cause of action in favor of the fund  
0519 shall be accrued to the state of Kansas against such person, and  
0520 the secretary shall take such action as is appropriate to enforce  
0521 this cause of action by recovering any amounts so expended. The  
0522 net proceeds of any such recovery shall be paid into the fund;  
0523 and (C) on an emergency basis up to 20% of the balance in the  
0524 hazardous waste perpetual care trust fund may be allocated for  
0525 investigation, engineering and construction related to the re-  
0526 moval, treatment and disposal of hazardous waste disposed of in  
0527 any hazardous waste disposal facility closed prior to the date of  
0528 this act, when such hazardous waste is found to pose an immi-  
0529 nent and substantial risk to the public health or safety or the

0531 (3) Effective September 30, 1983, or when the tax on hazard-  
0532 ous waste imposed by subtitle C of public law 96-510 becomes  
0533 applicable, whichever date is later, the secretary shall revise the  
0534 fee schedule to provide funds for the purchase or repositioning  
0535 of hazardous substance response equipment or other prepara-  
0536 tions reasonably necessary for the response to a release of haz-  
0537 ardous substances which affects the state and the fee collected  
0538 after the effective date shall not be used for the payment of any  
0539 costs or damages or claims which may be compensated under the  
0540 comprehensive environmental response, compensation and lia-  
0541 bility act of 1980, public law 96-510 as in effect on the effective  
0542 date of this act.

0543 (4) The pooled money investment board may invest and  
0544 reinvest moneys in the perpetual care trust fund established  
0545 under this subsection in obligations of the United States or  
0546 obligations the principal and interest of which are guaranteed by  
0547 the United States or in interest-bearing time deposits in any  
0548 commercial bank or trust company located in Kansas or, if the  
0549 board determines that it is impossible to deposit such moneys in  
0550 such time deposits, in repurchase agreements of less than 30  
0551 days' duration with a Kansas bank for direct obligations of, or  
0552 obligations that are insured as to principal and interest by the  
0553 United States government or any agency thereof. Any income or  
0554 interest earned by such investments shall be credited to the  
0555 hazardous waste perpetual care trust fund.

0556 (5) All expenditures from the hazardous waste perpetual care  
0557 trust fund shall be made in accordance with appropriation acts  
0558 upon warrants of the director of accounts and reports issued  
0559 pursuant to vouchers approved by the secretary for the purposes  
0560 set forth in this subsection.

0561 (\*) (w) Encourage, coordinate or participate in one or more  
0562 waste exchange clearing houses for the purpose of promoting  
0563 reuse and recycling of industrial wastes.

0564 (y) (x) Adopt rules and regulations establishing the criteria to  
0565 specify when a change of principal owners or management of a  
0566 hazardous waste treatment, storage or disposal facility occurs and  
0567 under what circumstances and procedures a new permit shall be

0568 required to be issued to the transferees of a facility which was  
0569 permitted to the transferor.

0570 (y) Adopt rules and regulations concerning the types of haz-  
0571 ardous waste for which any method, technique or process to  
0572 recover energy will be considered hazardous waste treatment.  
0573 Such rules and regulations should specify a minimum heat value  
0574 of the waste so as to ensure that a legitimate energy recovery will  
0575 occur and should consider other characteristics of the waste  
0576 which are appropriate to ensure that such method, technique or  
0577 process for energy recovery will not pose a threat to the public  
0578 health or environment.

0579 Sec. 3. K.S.A. 1983 Supp. 65-3432 is hereby amended to read  
0580 as follows: 65-3432. (a) The hazardous waste disposal facility  
0581 approval board is hereby established to review and grant or deny  
0582 final approval for each application for a radioactive hazardous  
0583 waste disposal facility license or any off-site hazardous waste  
0584 disposal facility permit recommended for approval by the secre-  
0585 tary.

0586 (b) The board shall consist of five members as follows: The  
0587 secretary of health and environment, the secretary of transporta-  
0588 tion, the state geologist and two members from and representing  
0589 the general public appointed by the governor. Persons appointed  
0590 on or after July 1, 1982, to represent the general public on the  
0591 board shall be appointed subject to confirmation by the senate as  
0592 provided in K.S.A. 1982 Supp. 75-4315b, and amendments  
0593 thereto.

0594 (c) The term of office of the general public members of the  
0595 board shall be three years, except that, of the general public  
0596 members first appointed to the board, one shall be appointed for  
0597 a term of two years and one for a term of three years as desig-  
0598 nated by the governor at the time of appointment. Upon the  
0599 expiration of the term of office of a general public member, the  
0600 governor shall appoint a qualified successor. Each general pub-  
0601 lic member shall serve until a successor is appointed and quali-  
0602 fied. Whenever a vacancy occurs among the general public  
0603 members of the board for any reason other than the expiration of  
0604 a member's term of office, the governor shall appoint a qualified

0605 successor to fill the unexpired term. The secretary of health and  
0606 environment shall serve as chairperson of the board.

0607 (d) All budgeting, purchasing and related management func-  
0608 tions of the board shall be administered under the direction and  
0609 supervision of the secretary of administration. All vouchers shall  
0610 be approved by the chairperson of the board and secretary of  
0611 administration.

0612 (e) Three members of the board shall constitute a quorum for  
0613 the transaction of business by the board.

0614 (f) The state agencies which have officers or employees  
0615 serving on the board shall provide such staff assistance to the  
0616 board as requested by the board.

0617 (g) Appointed members of the board attending regular or  
0618 special meetings of the board shall be paid compensation, sub-  
0619 sistence allowance, mileage and other expenses as provided in  
0620 K.S.A. 75-3223, and amendments thereto.

0621 Sec. 4. K.S.A. 1983 Supp. 65-3433 is hereby amended to read  
0622 as follows: 65-3433. (a) After the effective date of this act, no  
0623 person shall modify or construct a hazardous waste treatment,  
0624 storage *an off-site hazardous waste* or disposal facility without a  
0625 permit issued by the secretary under this act. The secretary shall  
0626 not issue any license under ~~K.S.A. 48-1607~~ for any radioactive  
0627 hazardous waste disposal facility or a permit under this act for  
0628 any off-site hazardous waste disposal facility unless the board  
0629 has first approved the application for such a facility.

0630 (b) Upon receipt of an application for a license or permit to  
0631 construct a facility which requires the approval of the board,  
0632 which complies with the requirements of this section, the secre-  
0633 tary shall:

0634 (1) Publish a notice once per week for three consecutive  
0635 weeks in a newspaper having major circulation in the county in  
0636 which the facility is proposed to be located. The required pub-  
0637 lished notice shall contain a map indicating the location of the  
0638 proposed facility and shall contain a description of the proposed  
0639 action and the location where the license or permit application  
0640 and related documents may be reviewed and where copies may  
0641 be obtained. The notice shall describe the procedure by which

0642 the license or permit may be granted. The secretary shall trans-  
0643 mit a copy of the notice to the clerk of any city which is located  
0644 within three miles of the proposed facility.

0645 (2) Review the plans of the proposed facility to determine if  
0646 the proposed operation complies with this act and the rules and  
0647 regulations promulgated under this act. The review shall include  
0648 but not be limited to air quality, water quality, waste manage-  
0649 ment and hydrogeology. If the facility review, plan review, and  
0650 the application meet the requirements of this act and the rules  
0651 and regulations promulgated under this act, the secretary shall  
0652 recommend approval for construction or modification of the  
0653 facility which may contain conditions specifically applicable to  
0654 the facility and operation. An expansion, enlargement or modifi-  
0655 cation of a radioactive hazardous waste disposal facility or a  
0656 hazardous waste disposal facility beyond the specified areas  
0657 indicated in the existing license or permit constitutes a new  
0658 proposal for which a new construction permit or license appli-  
0659 cation is required.

0660 (c) The secretary shall recommend approval or shall deny a  
0661 construction permit application within 240 days after the secre-  
0662 tary receives an application meeting the requirements of this  
0663 section except such time period shall not apply to an application  
0664 for a license to be issued under the authority of K.S.A. 48-1607,  
0665 and amendments thereto. If the secretary recommends approval,  
0666 the secretary immediately shall notify the applicant. If the sec-  
0667 retary recommends denial, the secretary shall notify the appli-  
0668 cant in writing of the reasons for the denial.

0669 Sec. 5. K.S.A. 1983 Supp. 65-3435 is hereby amended to read  
0670 as follows: 65-3435. The board shall not approve any application  
0671 for a hazardous waste disposal facility permit unless the appli-  
0672 cant has a deed fee simple title to the property where the facility  
0673 is to be located, in fee simple absolute, free of any liens, ease-  
0674 ments, covenants, or any other encumbrances on the title, or, if  
0675 the application is for a radioactive hazardous waste disposal  
0676 facility license, the requirements of K.S.A. 1982 Supp. 65-3440  
0677 have been met and the state has entered into and enacted an  
0678 interstate compact which regulates the management of low-level

0679 radioactive waste.

0680 For the purposes of this section, the state has not entered into  
0681 an interstate compact until such compact becomes effective by  
0682 its own terms.

0683 Sec. 6. K.S.A. 1983 Supp. 65-3436 is hereby amended to read  
0684 as follows: 65-3436. (a) The board either shall approve or reject  
0685 the application, and the secretary shall issue the license or  
0686 permit or deny the application accordingly. A local ordinance,  
0687 permit requirement or other requirement shall not prohibit the  
0688 construction or modification of such a facility or restrict trans-  
0689 portation to the facility.

0690 (b) If the board denies the application, the board shall state  
0691 its reason, in writing and indicate the necessary changes to make <sup>specific</sup>  
0692 the application acceptable, if a new application is to be made. or reasons for denial

0693 (c) Any person aggrieved by a final decision of the board may  
0694 make an appeal to the district court within 30 days of notice of  
0695 that decision.

0696 Sec. 7. K.S.A. 1983 Supp. 65-3437 is hereby amended to read  
0697 as follows: 65-3437. (a) No person shall construct, modify or  
0698 operate a hazardous waste facility *or otherwise dispose of haz-*  
0699 *ardous waste* within this state without a permit from the secre-  
0700 tary.

0701 (b) The application for a permit shall contain the name and  
0702 address of the applicant, the location of the proposed facility and  
0703 other information considered necessary by the secretary, in-  
0704 cluding proof of financial capability.

0705 (c) Before reviewing any application for permit, the secretary  
0706 shall conduct a background investigation of the applicant. The  
0707 secretary shall consider the financial, technical and management  
0708 capabilities of the applicant as conditions for issuance of a  
0709 permit. The secretary may reject the application without con-  
0710 ducting an investigation into the merits of the application if the  
0711 secretary finds that:

0712 (1) The applicant currently holds, or in the past has held, a  
0713 permit under this section and that while the applicant held a  
0714 permit under this section the applicant violated a provision of  
0715 subsection (a) of K.S.A. 1981 Supp. 65-3441, and amendments



0716 *thereto; or*

0717 (2) the applicant previously held a permit under this section  
0718 and that permit was revoked by the secretary; or

0719 (3) the applicant has a history of repeated violations of fed-  
0720 eral or state law.

0721 (d) Upon receipt of a permit application meeting the re-  
0722 quirements of this section, the secretary or an authorized repre-  
0723 sentative of the secretary shall inspect the location of the pro-  
0724 posed facility and determine if the same complies with this act  
0725 and the rules and regulations promulgated under this act. An  
0726 inspection report shall be filed in writing by the secretary before  
0727 issuing a permit and shall be made available for public review.

0728 Sec. 8. K.S.A. 1983 Supp. 65-3439 is hereby amended to read  
0729 as follows: 65-3439. (a) Permits for hazardous waste treatment,  
0730 storage and disposal facilities shall be issued for fixed terms not  
0731 to exceed 10 years and shall be subject to an annual permit fee.  
0732 The annual fee for a hazardous waste treatment, storage or  
0733 disposal facility permit shall be \$50 and no refund shall be made  
0734 in case of revocation. All fees shall be deposited in the state  
0735 general fund. A city, county, other political subdivision or state  
0736 agency shall be exempt from payment of the fee but shall meet  
0737 all other provisions of this act.

0738 (b) Plans, designs and relevant data for the construction of  
0739 hazardous waste treatment, storage and disposal facilities shall  
0740 be prepared by a professional engineer licensed to practice in  
0741 Kansas and shall be submitted to the department for approval  
0742 prior to the construction, modification or operation of such a  
0743 facility. In adopting rules and regulations, the secretary may  
0744 specify sites, areas or facilities where the environmental impact  
0745 is minimal and may waive the requirement that plans and de-  
0746 signs for on-site storage or treatment facilities be prepared by a  
0747 professional engineer.

0748 (c) Each permit granted by the secretary, as provided in this  
0749 act, shall be subject to such conditions as the secretary deems  
0750 necessary to protect human health and the environment and to  
0751 conserve the sites. Such conditions shall include approval by the  
0752 secretary of the types and quantities of hazardous waste allow-

0753 able for *storage*, treatment or disposal at the permitted location.

0754 (d) As a condition of granting a permit to operate any treat-  
0755 ment, storage or disposal facility for hazardous waste, the secre-  
0756 tary shall require the permittee to provide surety bond or cash  
0757 bond or cash deposits to a secured trust fund and liability  
0758 insurance, including coverage against nonsudden occurrences;  
0759 or any combination thereof, or provide annual cash deposits to a  
0760 trust fund which is hereby created in the state treasury in  
0761 amounts to be determined by the secretary or any combination of  
0762 such bonds, insurance or cash deposits or such other financial  
0763 commitments as the secretary may require, in such amounts or  
0764 arrangements as determined necessary by the secretary to insure  
0765 the financial responsibility of the permittee for any liability  
0766 incurred in the operation of the facility or area and to insure that,  
0767 upon abandonment, cessation or interruption of the operation of  
0768 the facility or area, all appropriate measures are taken to prevent  
0769 present or future damage to public health and the environment  
0770 and to provide the post-closure care required by subsection (t) of  
0771 K.S.A. 1982 Supp. 65-3431. Any such liability insurance as may  
0772 be required pursuant to this subsection or pursuant to the rules  
0773 and regulations of the secretary shall be issued by an insurance  
0774 company authorized to do business in Kansas or by a licensed  
0775 insurance agent operating under authority of K.S.A. 40-246b and  
0776 amendments thereto and shall be subject to the insurer's policy  
0777 provisions filed with and approved by the commissioner of  
0778 insurance pursuant to K.S.A. 40-216 and amendments thereto  
0779 except as authorized by K.S.A. 40-246b and amendments thereto.  
0780 The pooled money investment board may invest and reinvest  
0781 moneys credited to the trust fund created under this subsection  
0782 in obligations of the United States or obligations the principal  
0783 and interest of which are guaranteed by the United States or in  
0784 interest bearing time deposits in any commercial bank or trust  
0785 company located in Kansas; or, if the pooled money investment  
0786 board determines that it is impossible to deposit such moneys in  
0787 such time deposits, in repurchase agreements of less than 30  
0788 days' duration with a Kansas bank for direct obligations of, or  
0789 obligations that are insured as to principal and interest by, the

0700 United States government or any agency thereof. All moneys  
0701 received as interest earned by the investment of the moneys in  
0702 the trust fund created under this subsection shall be credited to  
0703 such trust fund and prorated according to procedures approved  
0704 by the director of accounts and reports and credited to the  
0705 account of each permittee who has deposited money in the trust  
0706 fund in proportion that the total amount of money deposited by  
0707 the permittee in the trust fund bears to the total amount of money  
0708 in the trust fund. Money in the trust fund created under this  
0709 subsection shall be expended in accordance with the purposes  
0800 for the deposit of moneys by a permittee into the trust fund  
0801 created under this subsection. Upon the cessation of operation of  
0802 the facility, the secretary shall return any unused portion of the  
0803 money deposited by a permittee in the trust fund created under  
0804 this subsection, including interest on the unused portion, to the  
0805 permittee. All expenditures from the trust fund created under  
0806 this subsection shall be made in accordance with appropriation  
0807 acts upon warrants of the director of accounts and reports issued  
0808 pursuant to vouchers approved by the secretary of health and  
0809 environment or a person or persons designated by the secretary.

0810 (e) (d) Permits granted by the secretary, as provided in this  
0811 act, shall be revocable or subject to suspension whenever the  
0812 secretary shall determine that the hazardous waste treatment,  
0813 storage or disposal facility is, or has been constructed or con-  
0814 ducted in violation of this act or the rules and regulations or  
0815 standards adopted pursuant to the act, or is creating a hazard to  
0816 the public health or safety or to the environment, or for failure to  
0817 make payment of any fee to any funds created under this act.

0818 (f) (e) In case any permit is denied, suspended or revoked  
0819 any person aggrieved by such decision may request a hearing  
0820 before the secretary in accordance with K.S.A. 1982 Supp. 65-  
0821 3440, and amendments thereto.

0822 Sec. 9. K.S.A. 1983 Supp. 65-3441 is hereby amended to read  
0823 as follows: 65-3441. (a) It shall be unlawful for any person to: (1)  
0824 Dump or deposit, or permit the dumping or depositing of any  
0825 hazardous waste regulated by this act into any facility except

which does not have a permit issued by

0827 *comply with the provisions of this act or rules or regulations,*  
 0828 *standards or orders of the secretary, but this provision shall not*  
 0829 *prohibit: (A) The use of hazardous wastes in normal farming*  
 0830 *operations or in the processing or manufacturing of other prod-*  
 0831 *ucts in a manner that will not adversely affect the public health*  
 0832 *or environment, or (B) a generator who periodically produces a*  
 0833 *quantity of hazardous waste less than the quantity regulated*  
 0834 *under subsection (k) of K.S.A. 1982 Supp. 65-3431, and amend-*  
 0835 *ments thereto, from disposing such quantity of hazardous waste*  
 0836 *into a facility approved by the department which has a permit*  
 0837 *issued under K.S.A. 1982 Supp. 65-3407, and amendments*  
 0838 *thereto.*

0839 (2) Construct, modify or operate a hazardous waste storage,  
 0840 treatment or disposal facility without a permit, license or other  
 0841 required written approval from the secretary or to be in violation  
 0842 of the rules and regulations, standards or orders of the secretary.

0843 (3) Violate any condition of any permit or license issued by  
 0844 the secretary.

0845 (4) ~~Generate, store~~ Store, collect, treat or dispose of hazard-  
 0846 ous waste contrary to the rules and regulations, standards or  
 0847 orders of the secretary.

0848 (5) Refuse or hinder entry, inspection, sampling and the  
 0849 examination or copying of records related to the purposes of this  
 0850 act by an agent or employee of the secretary after such agent or  
 0851 employee identifies and gives notice of their purpose at any time  
 0852 when the facility is in operation or receiving or treating or  
 0853 disposing of hazardous wastes.

0854 (6) Perform or fail to perform any act in violation of the  
 0855 rules and regulations, standards or orders of the secretary.

0856 (7) Knowingly make any false material statement or repre-  
 0857 sentation in any application, label, manifest, record, report,  
 0858 permit or other document filed, maintained or used for purposes  
 0859 of compliance with this act.

0860 (8) Knowingly ~~generate, store, treat, transport, dispose of or~~  
 0861 ~~otherwise handle any hazardous waste or knowingly destroy,~~  
 0862 ~~alter or conceal any record required to be maintained under~~  
 0863 ~~rules and regulations promulgated by the secretary pursuant to~~

By renumbering existing paragraphs (7) to (12),  
 inclusive, as paragraphs (6) to (11), respectively.

0864 *this act.*

0865 (9) *Fail to designate on a manifest a facility which is autho-*  
0866 *riized to operate under the federal hazardous waste program or*  
0867 *under a state hazardous waste program which has received*  
0868 *approval to operate in lieu of the federal hazardous waste*  
0869 *program.*

0870 (10) *Transport hazardous waste to a facility which is not*  
0871 *authorized to operate under the federal hazardous waste pro-*  
0872 *gram or under a state hazardous waste program which has*  
0873 *received approval to operate in lieu of the federal hazardous*  
0874 *waste program.*

0875 (11) *Add, mix or blend any hazardous waste with fuel oil or*  
0876 *any other fuel intended for use by residential consumers.*

or sell such blended fuel to a residential consumer

0877 (6) ~~(11)~~ (12) *Transport and dispose of, or cause the transpor-*  
0878 *tation and disposition of, hazardous waste in a manner contrary*  
0879 *to the rules and regulations, standards or orders of the secretary.*  
0880 *It shall not constitute a defense to the generator that the genera-*  
0881 *tor acted through an independent contractor in the transportation*  
0882 *or disposition of the hazardous waste.*

0883 (b) *Any person who violates any provision of paragraphs (1)*  
0884 *to (5) ~~(11)~~, inclusive, of subsection (a) of this section shall be*  
0885 *guilty of a class A misdemeanor and, upon conviction thereof,*  
0886 *shall be punished as provided by law. Any person who violates*  
0887 *any provision of paragraph (6) ~~(11)~~ of subsection (a) of this*  
0888 *section shall be guilty of a class E felony and, upon conviction*  
0889 *thereof, shall be punished as provided by law.*

(10)

(11)

0890 (c) *Any person who willfully, wantonly or recklessly know-*  
0891 *ingly violates any provisions of paragraphs (1) to (6) ~~(11)~~ of*  
0892 *subsection (a) shall be guilty of a class D C felony*  
0893 *and, upon conviction thereof, shall be punished as provided by*  
0894 *law.*

(11)

0895 (d) *Any individual who violates any of the provisions of*  
0896 *paragraphs (1) to (6) ~~(11)~~, inclusive, of subsection (a) shall be*  
0897 *legally responsible to the same extent as if such acts were in the*  
0898 *individual's own name or on the individual's own behalf.*

0899 (e) *The county or district attorney of every county shall file*  
0900 *appropriate actions for enforcement of this section upon request*

0001 of the secretary or upon the county or district attorney's own  
0002 motion after consultation with the secretary.

0003 (f) No person shall be held responsible for failure to secure a  
0004 permit under the provisions of this section for the dumping or  
0005 depositing of any hazardous waste on land owned or leased by  
0006 such person without their expressed or implied consent, per-  
0007 mission or knowledge.

0008 Sec. 10. K.S.A. 1983 Supp. 65-3442 is hereby amended to  
0009 read as follows: 65-3442. (a) Title to hazardous waste transported,  
0010 stored, treated or disposed of in accordance with the provisions  
0011 of this act and the rules and regulations and standards adopted  
0012 thereunder, shall vest in ~~with the generator, transporter or with~~  
0013 the owner of the hazardous waste management facility in which  
0014 the waste is located, ~~treated or disposed of~~ unless specific con-  
0015 tractual arrangements are otherwise provided with the generator  
0016 or contractor. Hazardous waste disposed of in ways other than in  
0017 accordance with the provisions of this act remain the property of  
0018 the generator and the generator is liable for removal of the waste,  
0019 restoration of the area in which the wastes were disposed and the  
0020 disposal of the waste in accordance with this act.

0021 (b) A generator who transfers hazardous waste to a registered  
0022 hazardous waste transporter for transport to an approved hazard-  
0023 ous waste facility shall be relieved of liability for cleanup or  
0024 disposal for such waste, except as otherwise provided in this act.  
0025 This subsection shall not operate to relieve any contractual  
0026 obligation owing to the operator of the approved hazardous  
0027 waste facility or to the transporter by the generator.

0028 (c) If a generator utilizes an unregistered transporter or ar-  
0029 ranges for an unapproved transportation, storage, disposal or  
0030 treatment, the generator and any person aiding or abetting the  
0031 generator shall be liable for all costs resulting from cleanup,  
0032 disposal or treatment of the waste.

0033 (d) The duties, responsibilities and liabilities of this section  
0034 shall apply to both intrastate and interstate shipments of hazard-  
0035 ous waste by a generator located in the state of Kansas.

0036 Sec. 11. K.S.A. 1983 Supp. 65-3443 is hereby amended to  
0037 read as follows: 65-3443. (a) If the secretary finds that the

0938 generation, accumulation, management or discharge disposal of  
0939 a hazardous waste by any person is or threatens to cause pollu-  
0940 tion of the land, air, or waters of the state or is or threatens to  
0941 become a hazard to persons, property or public health or safety or  
0942 that the provisions of this act or any rule or regulation adopted  
0943 pursuant thereto have been otherwise violated, the secretary  
0944 may order the person to modify the generation, accumulation or  
0945 management of the hazardous waste or to provide and imple-  
0946 ment such hazardous waste management systems procedures as  
0947 will prevent or remove the pollution or hazard or take any other  
0948 action deemed necessary. The secretary may order any person  
0949 having a permit issued under this act, and who operates a public  
0950 or commercial hazardous waste management system or any part  
0951 thereof facility, which the secretary finds suitable to manage the  
0952 hazardous waste, to provide and implement a hazardous waste  
0953 management system or part thereof procedure procedures to  
0954 prevent or remove such pollution or hazard. Such order shall  
0955 specify a fair compensation to the owner or permittee for prop-  
0956 erty taken or used and shall specify the terms and conditions  
0957 under which the permittee shall provide the hazardous waste  
0958 management services. Any order issued shall specify the length  
0959 of time after receipt of the order during which the person or  
0960 permittee shall provide or implement the hazardous waste man-  
0961 agement system procedures or modify the generation, accumu-  
0962 lation or management of the hazardous waste.

0963 (b) If the secretary after consideration of the economic im-  
0964 pact on the generator finds that there is an environmentally more  
0965 desirable procedure available other than ground burial for the  
0966 disposal of a particular type of hazardous waste, the secretary  
0967 shall order that the use of ground burial for the disposal of that  
0968 type of hazardous waste be discontinued. The secretary in de-  
0969 veloping such consideration may require the generator to pro-  
0970 vide information and plans for potential environmentally more  
0971 desirable procedures.

0972 (c) Any party aggrieved by an order under this section shall  
0973 have the right of appeal in accordance with the provisions of

0975 Sec. 12. K.S.A. 1983 Supp. 65-3444 is hereby amended to  
0976 read as follows: 65-3444. (a) A person who violates any provi-  
0977 sions of this act, shall incur, in addition to any other penalty  
0978 provided by law, a civil penalty in an amount not to exceed  
0979 \$25,000 for every such violation and, in the case of a continuing  
0980 violation, every day such violation continues shall be deemed a  
0981 separate violation.

0982 (b) In assessing the civil penalty under this section, the  
0983 district court shall consider, when applicable, the following  
0984 factors:

0985 (1) The extent to which the violation presents a substantial  
0986 hazard to the health of individuals;

0987 (2) the extent to which the violation has or may have an  
0988 adverse effect upon the environment to be determined by the  
0989 court according to the toxicity, degradability and dispersal  
0990 characteristics of the ~~substane~~ ~~discharged~~ *hazardous waste*  
0991 *disposed of* or the potential for such damage if no ~~substane~~  
0992 *hazardous waste* has been ~~discharged~~ *disposed*, the sensitivity of  
0993 the receiving environment and the degree to which the ~~dis-~~  
0994 *charge disposal* degrades existing environmental quality or the  
0995 potential for such degradation if no ~~discharge~~ *disposal* has oc-  
0996 curred;

0997 (3) the amount of the reasonable costs incurred by the state in  
0998 detection, investigation and attempted correction of the viola-  
0999 tion;

1000 (4) the economic savings realized by the person in not com-  
1001 plying with the provision for which a violation is charged in-  
1002 cluding, but not limited to, that sum which a person would be  
1003 required to expend for the planning, acquisition, siting, con-  
1004 struction, installation and operation of facilities necessary to  
1005 comply with the provision violated;

1006 (5) the quantity of the ~~substane~~ ~~discharged~~ *or hazardous*  
1007 *waste* disposed of, if any, in a manner which constitutes a  
1008 violation; and

1009 (6) the amount which would constitute an actual and sub-  
1010 stantial economic deterrent to the violation for which it is as-  
1011 sessed.



12 (c) A civil action under this section may be commenced in  
1013 the name of the state by *the secretary or the county or district*  
1014 *attorney of the county in which the violation is alleged to have*  
1015 *occurred, or at the request of the secretary of health and envi-*  
1016 *ronment, by the attorney general.*

1017 (d) Any sum assessed under this section shall be deposited as  
1018 ordered by the district court judge: (1) In the state general fund,  
1019 or (2) in a perpetual care trust fund established under K.S.A. 1982  
1020 Supp. 65-3431, and amendments thereto, or (3) part in a {the} the  
1021 state general fund and the balance in a perpetual care trust fund.  
1022 Moneys deposited in a perpetual care trust fund under this  
1023 subsection (d) shall be to reimburse such fund, to the extent  
1024 practicable as determined by the district court judge, for ex-  
1025 penditures from such fund, if any, in the matter which gave rise  
1026 to the civil action.

1027 Sec. 13. K.S.A. 1983 Supp. 65-3445 is hereby amended to  
1028 read as follows: 65-3445. (a) Notwithstanding any other provision  
1029 of this act, upon receipt of information that the storage, trans-  
1030 portation, treatment or disposal of any hazardous waste may  
1031 present a substantial hazard to the health of persons or to the  
1032 environment *or for a threatened or actual violation of this act or*  
1033 *any rules or regulations adopted pursuant thereto or any orders*  
1034 *issued pursuant thereto or any permit conditions required*  
1035 *thereby, the secretary may take such action as may be necessary*  
1036 *to protect the health of persons or the environment. The action*  
1037 *the secretary may take shall include, but not be limited to:*

1038 (1) Issuing an order directing the *owner, generator, trans-*  
1039 *porter or operator of the generator, transporter, storage, treat-*  
1040 *ment or disposal facility or site, or the custodian of the waste,*  
1041 *which constitutes the hazard, to take such steps as are necessary*  
1042 *to prevent the act or eliminate the practice which constitutes the*  
1043 *hazard. The action may include, with respect to a facility or site,*  
1044 *permanent or temporary cessation of operation.*

1045 (2) Commencing an action to enjoin acts or practices speci-  
1046 fied in paragraph (1) of this subsection or requesting that the  
1047 attorney general or appropriate district or county attorney com-  
1048 mence an action to enjoin those acts or practices. Upon a show-

1049 ing by the secretary that a person has engaged in those acts or  
1050 practices, a permanent or temporary injunction, restraining order  
1051 or other order may be granted by any court of competent juris-  
1052 diction. An action for injunction under this paragraph (2) of this  
1053 subsection shall have precedence over other cases in respect to  
1054 order of trial.

1055 (3) Applying to the district court in the county in which an  
1056 order of the secretary under paragraph (1) of this subsection will  
1057 take effect, in whole or in part, for an order of that court directing  
1058 compliance with the order of the secretary. Failure to obey the  
1059 court order shall be punishable as contempt of the court issuing  
1060 the order. The application under this paragraph (3) of this sub-  
1061 section for a court order shall have precedence over other cases  
1062 in respect to order of trial.

1063 (b) In any civil action brought pursuant to this section in  
1064 which a temporary restraining order, preliminary injunction or  
1065 permanent injunction is sought, it shall not be necessary to  
1066 allege or prove at any stage of the proceeding that irreparable  
1067 damage will occur should the temporary restraining order, pre-  
1068 liminary injunction or permanent injunction not be issued or that  
1069 the remedy at law is inadequate, and the temporary restraining  
1070 order, preliminary injunction or permanent injunction shall issue  
1071 without such allegations and without such proof.

1072 (e) Any person aggrieved by an order of the secretary made  
1073 pursuant to this section may appeal such order in the manner  
1074 provided by law, within 30 days of notice of such order.

1075 (c) Any party aggrieved by an order under this section shall  
1076 have the right of appeal in accordance with the provisions of  
1077 K.S.A. 65-3440, and amendments thereto.

1078 Sec. 14. K.S.A. 1983 Supp. 65-3446 is hereby amended to  
1079 read as follows: 65-3446. (a) The *secretary of the department of*  
1080 *health and environment or the director of the division of envi-*  
1081 *ronment, if designated by the secretary,* upon a finding that a  
1082 person has violated any provision of K.S.A. 1981 Supp. 65-3441,  
1083 *and amendments thereto,* may impose a penalty not to exceed  
1084 \$10,000 which shall constitute an actual and substantial eco-

1086 the case of a continuing violation, every day such violation  
1087 continues shall be deemed a separate violation.

1088 (b) No penalty shall be imposed pursuant to this section  
1089 except upon the written order of the *secretary of the department*  
1090 *of health and environment*, or the director of the division of  
1091 environment, *if designated by the secretary* to the person who  
1092 committed the violation. The order shall state the violation, the  
1093 penalty to be imposed and the right of appeal to the secretary of  
1094 health and environment. Any such person may, within 30 days  
1095 after notification, make written request to the secretary for a  
1096 hearing thereon. The secretary shall hear the person within 30  
1097 days after receipt of such request and shall give not less than 10  
1098 days' written notice of the time and place of the hearing. Within  
1099 15 days after such hearing, the secretary shall affirm, reverse or  
1100 modify the order of the director and shall specify the reasons  
1101 therefor. Nothing in this act shall require the observance at any  
1102 hearing of formal rules of pleading or evidence.

1103 (e) Any person aggrieved by an order of the secretary made  
1104 pursuant to subsection (b) of this section may appeal the order in  
1105 the manner provided by law, within 30 days of notice of the  
1106 order.

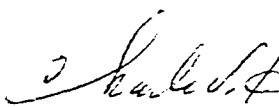
1107 (c) Any party aggrieved by an order under this section shall  
1108 have the right of appeal in accordance with the provisions of  
1109 K.S.A. 65-3440, and amendments thereto.

1110 New Sec. 15. If the secretary brings a civil enforcement  
1111 action pursuant to this act, any citizen person who has an interest  
1112 which is or may be adversely affected, upon timely application,  
1113 shall be allowed to intervene in such action pursuant to K.S.A.  
1114 60-224, and amendments thereto.

1115 Sec. 16. K.S.A. 1983 Supp. 65-3430, 65-3431, 65-3432, 65-  
1116 3333, 65-3435, 65-3436, 65-3437, 65-3439, 65-3441, 65-3442, 65-  
1117 3443, 65-3444, 65-3445, 65-3446 and 65-3448 are hereby re-  
1118 pealed.

1119 Sec. 17. This act shall take effect and be in force from and  
1120 after its publication in the statute book.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TO: Secretary Sabol  
FROM: Charles V. Hamm   
SUBJECT: VULCAN MATERIALS COMPANY (Fees)  
6200 South Ridge Road  
Wichita, Kansas 67227

FACTS:

Vulcan made a Part A permit application before November 19, 1981, the cutoff date for applications. This gave them interim status under RCRA.

On June 15, 1981 Vulcan submitted to KDHE: "application for a Kansas Hazardous Waste Storage, Treatment and Disposal facility permit."

In the section re: disposal facility they stated:

"Disposal facilities for Hazardous wastes are exclusively deep disposal wells. The monitoring fee is not applicable to wastes which are disposed of in these wells since the wells will ultimately be permitted under the State of Kansas U.I.C. regulations and not RCRA."

July 1, 1982 K.S.A. 65-3431 became effective. This law in subsection (w) directs the secretary of H&E to adopt regulations for a schedule of fees to be paid by "permittees operating hazardous waste disposal facilities under a permit issued by the secretary under this act and amendments thereto."

These fees when collected go into the "hazardous waste perpetual care trust fund."

"this act" means Chapter 251 Laws of Kansas 1981.

Vulcan has had a UIC (underground deep injection well) program for many years. Their authority for UIC comes from K.S.A. 65-171d.

"to control the disposal, discharge or escape of sewage as defined in K.S.A. 65-164 by or from municipalities, corporations...plants, works or facilities..."

K.S.A. 65-164 defines sewage as "...other wastes from domestic manufacturing or other forms of industry."

Hazardous waste perpetual care fund fees come from wastes disposed under the hazardous wastes statutes specifically K.S.A. 65-3430 et seq.

*Atch. 4*

Vulcan has been disposing of hazardous waste by UIC under K.S.A. 65-171d where no fees are charged.

H.B. 2740 p. 13 line 485 deletes "under this act" so as to charge the fee for all permittees operating a hazardous waste disposal facility. Both the hazardous waste statutes and regulations and the UIC statutes and regulations refer to hazardous waste facilities including disposal facilities.

The changes in H.B. 2740 by charging the fee for any facility [not just one operating under the Hazardous Waste Facility Permit (RCRA)] should make it clear that the hazardous waste perpetual care trust fund fees should be charged to any facility, RCRA or UIC.

NOTE: The Federal law, by law, not regulation, assesses a tax of \$2.13 per dry weight ton of hazardous waste on the receipt of hazardous waste at a disposal facility "which has received a permit or is accorded interim status under section 3005 of the Solid Waste Disposal Act."

When the Hazardous Waste Perpetual Care Trust Fund legislation became effective July 1, 1982 it appears that the department agreed that no waste was being disposed of under K.S.A. 65-3431 when it was being injected in a deep well under K.S.A. 65-171d.

It is my opinion that a tax law must be strictly construed. So must criminal statutes and K.S.A. 65-3441 makes it unlawful for any person to dump or deposit any hazardous waste regulated by this act in to any facility...which does not have a permit issued by the secretary. Therefore, a hazardous waste disposal facility disposing of such waste by an injection well needs both a RCRA permit and a UIC permit. The waste is RCRA until it enters the well and then it is UIC.

UIC at present does not have a schedule of fees.

It is my opinion that the Hazardous Waste Perpetual Care Trust Fund fees should be assessed for hazardous wastes injected in a deep well. K.S.A. 65-3431(w) directs the secretary to set those fees taking into consideration different types of wastes and costs of post closure monitoring, maintenance and supervision.

When we bill the company for fees established under KAR 28-31-11 I anticipate their defense will be that they were not disposing of wastes under 64-2431(w) but under 65-171d where no charge is currently being made and will argue that the specific statute controls over the general. H.B. 2740 should clarify this for the future.

HB 2740

On page 29, line 1080, delete the entire section and insert the following:

- (b) No penalty shall be imposed pursuant to this section except, after notice of violation and opportunity for hearing, upon the written order of the Secretary or the Director of the Division of Environment, if designated by the Secretary to the person who committed the violation. The order shall state the violation, the penalty to be imposed and in the case of an order of the Director of the Division of Environment, the right to appeal to the Secretary for a hearing thereon. Any person may appeal an order of the Director of the Division of Environment by making a written request to the Secretary for a hearing within 30 days of receipt of such order. The Secretary shall hear the person within 30 days after receipt of such request and shall give not less than 10 days written notice of the time and place of the hearing. Within 15 days after such hearing, the Secretary shall affirm, reverse or modify the order of the Director and shall specify the reasons therefor. Nothing in this act shall require the observance of formal rules of evidence or pleading at any hearing before the Secretary or Director.

STATE ACTIVITIES  
FOR  
RESTRICTING LAND DISPOSAL OF HAZARDOUS WASTES

A number of states have taken legislative and regulatory actions over the past three years to restrict land disposal of hazardous wastes. For example, California has developed a comprehensive program to restrict wastes from land disposal. Other states that are active in this area include Illinois, Massachusetts, Minnesota, Missouri, New York, Ohio, Rhode Island, and Wisconsin. The nature of these activities is shown in brief in the table below. A complete synopsis of these various state requirements has been assembled by EPA and is also included.

Table 1. - Summary of State Activities for Restricting Land Disposal of Hazardous Wastes

State	Legislative Action	Report Required by Legislature	Regulatory Action Proposed	Regulatory Action Draft	Regulatory Action Final
California.....	X	X			X
Illinois.....	X				
Massachusetts.....					X
Minnesota.....	X	X	X		
Missouri.....					X
New York.....	X	X			
Ohio.....			X		
Rhode Island.....					X
Wisconsin.....	X	X		X	

Summary of State Activities Pertaining to  
Land Disposal Restrictions

California

The California Department of Health Services (DHS) adopted final regulations for hazardous waste land disposal restrictions on January 22, 1983 (Reference 1). These regulations consider wastes that are highly toxic, persistent, bioaccumulative, and mobile in the environment as candidates for limited land disposal due to the potential long-term risks that these wastes pose to human health and the environment. Based on these broad, descriptive ~~criteria~~, DHS has specified five classes of wastes to be prohibited from all land disposal without prior treatment. These wastes are:

1. Liquid wastes containing free cyanides in concentrations greater than or equal to 1000 mg/l in the waste (In effect since June 1, 1983).
2. Liquid wastes containing toxic metals or their compounds in concentrations greater than or equal to the following for each metal:

Arsenic	500 mg/l
Cadmium	100 mg/l
Chromium VI	500 mg/l
Lead	500 mg/l
Mercury	20 mg/l
Nickel	134 mg/l
Selenium	100 mg/l
Thallium (in effect since Jan. 1, 1984)	130 mg/l



3. Liquid acid wastes with a pH  $\leq 2$  (in effect since Jan. 1, 1984)
4. Liquid wastes containing PCBs in concentrations greater than or equal to 50 mg/l (in effect since Jan. 1, 1984)
5. Liquid wastes containing halogenated organic compounds in total concentrations greater than or equal to 1000 mg/kg (effective Jan. 1, 1985), and
6. Sludges and solids containing halogenated organic compounds in total concentrations greater than or equal to 1000 mg/kg (effective July 1, 1985)

Note: Lab packs containing any of the restricted wastes may be land disposed until July 1, 1985.

DHS has proposed the above restrictions not only because the problems arising from land disposal of these particular hazardous wastes in various hydrogeologic settings are well documented, but also because DHS has determined that alternatives are or will be available to the affected industries for recycling or treating the restricted wastes.

The State believes that it is desirable to impose the land disposal restrictions at the earliest possible date. The Department has stated, however, that imposing the restrictions before alternative treatment processes are available would also endanger human health, the environment, and possibly the economy of the State. Therefore, DHS has taken the approach of phasing in the land disposal restrictions (i.e., each class of waste is restricted on a specific date, as shown above) based on its estimates of when the technology to treat or recycle the wastes

will be available in the State. Public hearings are held 60 days before each restriction date. If DHS determines that processes will not be available to recycle or substantially treat the hazardous wastes in a particular restricted category 45 days prior to the restriction date, the Department will revise the date accordingly. In addition, any person may petition the Department for a variance from the land disposal restrictions for a specific waste stream or a site-limited land disposal method.

In addition to the actions taken by DHS, on September 23, 1982, the California Air Resources Board (CARB) adopted a "Suggested Control Measure" (SCM) to reduce organic compound emissions associated with the handling and disposal of volatile organic wastes (References 2, 3). The SCM will be binding only in Air Pollution Control Districts that choose to adopt it as a regulation. The essence of the portion of the SCM dealing with waste disposal is that any waste that contains organic compounds (exceptions noted) in excess of one percent by weight (as determined by CARB's Gravimetric Purge and Trap Method) is prohibited from land disposal. The standard of one percent was chosen because CARB has determined that the volatile organic content of wastes disposed in California can readily be reduced to this level or, alternatively, the wastes can be treated by incineration. The disposal methods that would be prohibited for such volatile organic wastes would include: ponding, land spreading, landfarming, co-disposal with municipal waste, and drum burial. Because deep wells are not sources of emissions, disposal of

volatile organic wastes by deep well injection is not restricted by the SCM.

The need for the SCM was derived from CARB's findings regarding the management of volatile organic wastes in the State of California. CARB found that approximately 736,000 tons per year of volatile organic wastes are disposed of in the State by methods that allow the volatile organic components to be emitted to the atmosphere. Further, through file measurements, they determined that organic compounds in the air near Class I facilities are directly associated with waste disposal activities. In addition, most California Air Pollution Control Districts that contain the major waste generators and disposers are non-attainment for the national ambient air quality standard for ozone (emissions of organic compounds are precursors to the formation of atmospheric ozone). Based upon their sampling program, the CARB estimates that emissions from land disposal sites accepting volatile organic wastes are between 3,900 and 8,900 tons per year in the State of California. CARB cites appropriate alternative chemical and physical treatment technologies, including recycling of solvents, steam stripping, wet air oxidation, and incineration (References 4, 5). CARB has stated that the costs of these alternatives are expected to be between \$24-400/ton, as opposed to \$13-140/ton for land disposal methods.

Currently, none of the individual Air Pollution Control Districts have chosen to adopt the SCM, although some are ready to do so as soon as CARB completes development, in early 1984, of the necessary testing methods. If a District does adopt

the SCM, it will then have nine months to file a Volatile Organic Waste Management Plan and to begin the first phase of compliance.

#### Florida

Because of its high ground-water table, Florida has banned the development of any new hazardous waste land disposal facilities. Currently, there are no commercially operated hazardous waste land disposal sites within the State and, of approximately 25 facilities which have interim status, most are on-site surface impoundments used for the neutralization of acid wastes. All of the interim status facilities are required to carry out ground-water monitoring.

#### Illinois

Under the Illinois Environmental Protection Act, as amended in January 1982, the Illinois legislature has prohibited the land disposal of all hazardous wastes in all permitted hazardous waste sites, effective January 1, 1987, unless specific authorization is obtained from the Illinois EPA by the generator and the owner and operator of the disposal site (Reference 6). The statute allows Illinois EPA "to grant specific authorization for disposal of hazardous waste streams if the generator reasonably demonstrates that, considering technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably recycled for reuse, incinerated, or chemically, physically, or biologically treated so as to neutralize the hazardous waste and render it non-hazardous." Approximately two months are required for review of each permit application, and approvals are granted if the designated facility can safely handle the specified waste.

As an amendment to the Environmental Protection Act, the Illinois legislature passed a bill in November 1983 (currently awaiting certification by the governor) which prohibits the disposal of all liquid hazardous wastes in all permitted hazardous waste sites, effective July 1, 1984 (Reference 7). The bill calls on the Illinois Pollution Control Board to adopt "regulations which prohibit or set limitations on the type, amount, and form of liquid hazardous wastes that may be disposed of in landfills based on the availability of technically feasible and economically reasonable alternatives to land disposal." As described above, the Illinois EPA may grant "specific authorization" for a waste stream if it is not expressly prohibited by the board, and if the generator and the owner and operator of the disposal site demonstrate that there is no feasible alternative to land disposal.

Specific authorization would not be available for halogenated solvents if the Illinois Pollution Control Board adopts a proposed rule (under consideration since May 1983) prohibiting such wastes from land disposal. The basis for this proposed rule was a joint petition by the Illinois EPA and Citizens for a Better Environment which asked the Pollution Control Board to amend its land disposal standards by adding a provision prohibiting the disposal of chlorinated solvents in all landfills, including RCRA permitted hazardous waste facilities as well as surface

impoundments and waste piles in which waste residue is expected to remain after closure (Reference 8). The petitioners stated that large quantities of chlorinated solvents are currently entering Illinois' sanitary landfills; that the compounds are toxic; that ground-water contamination can result and has resulted from this method of disposal; and that recent research has shown that a wide range of organic solvents can interact with clay liners or clay barriers and can increase the liner's permeability by a factor of 10 to 1000. Based on this testimony and on the fact that recovery and treatment methods for waste chlorinated solvents are feasible, the petitioners felt that waste chlorinated solvents should be prohibited from land disposal.

The proposed rule identifies restricted halogenated solvents, including chlorinated compounds in generic hazardous wastes F001 and F002, and specifies concentrations needed to fall under the restriction. Small quantity generators of less than 1 kg/mo. of solvent waste are exempted from the proposed restriction.

Finally, Illinois maintains a Hazardous Waste Fund which is used for hazardous waste site cleanup and for research on treatment technologies. Hazardous waste landfill operators are required to pay to the Fund \$2.20 for each cubic yard or \$0.01 for each gallon of waste received.

#### Massachusetts

The Department of Environmental Quality Engineering (DEQE) issued regulations concerning land disposal restrictions that became effective on October 15, 1983. The regulations prohibit

the land disposal of sludges and solids containing halogenated organic compounds in concentrations greater than 1000 mg/kg, waste containing cyanide, and all substances identified as being acutely toxic in Section 30.136 of the Massachusetts Hazardous Waste Management Act (References 9, 10). DEQE may prohibit the disposal of any hazardous waste in a landfill if it determines that landfilling of such waste may present a hazard to public health, safety or welfare, or the environment (e.g., volatile organics).

The Department may waive the prohibition on landfilling the above wastes if it finds that the waste cannot be recycled, treated, or disposed of by some other means in accordance with the regulations, and that the types and volumes of wastes to be disposed of will not present any undue risk to public health, safety or welfare, or the environment. The Department may also, under certain conditions, waive the prohibition of these wastes if the waste is a contaminated soil. The burden of proof for such exemption lies with the owner and operator of the treatment, storage, or disposal facility, as opposed to the generator.

Currently, the State of Massachusetts has no lawfully operating hazardous waste landfills. In the future, if a developer approaches the Department with a proposal to construct a hazardous waste land disposal facility, he will then be subject to the regulations.

## Minnesota

The Minnesota Waste Management Act of 1980 (Reference 11) was recently amended to delay promulgation of hazardous waste disposal regulations until 1986. Prior to this amendment, the Act required the Minnesota Pollution Control Agency (MPCA) to develop, by 1982, criteria for excluding types and categories of hazardous wastes from disposal; criteria for accepting types and categories of wastes suitable for disposal; and minimum pretreatment standards required as a condition of acceptance for disposal. Moreover, the Act specifically required that these criteria and standards be based on the degree of intrinsic hazard of the waste; the availability of conventional processing technologies for reducing, separating, reusing, recycling, and treating the waste; the feasibility and cost of applying the processing technologies in relation to the benefits to be achieved by such application; the class of the facility; and other factors deemed relevant by the MPCA.

By the end of 1983, the MPCA had determined that it does not have the expertise necessary to classify hazardous wastes, and therefore the waste classification report required by the Waste Management Act has been delayed until further notice. The Minnesota Waste Management Board, however, has issued for public hearing a draft Hazardous Waste Management Plan (Reference 12) which will be subsequently revised and submitted to the legislature in February 1984. The Plan concludes and summarizes the Board's Hazardous Waste Management Report (Reference 13), and recommends



policies and programs for possible legislative action. Although the Plan includes no special restrictions on land disposal, it favors the following actions, in order of preference, for hazardous waste management: 1) waste reduction, 2) resource recovery and recycling, 3) waste treatment, and 4) final disposal. Currently, Minnesota has no hazardous waste landfills, and thus, the Waste Management Plan examines possible siting locations and identifies options which help determine the need for such a facility.

### Missouri

In July 1981, the Missouri Department of Natural Resources (MDNR) prohibited landfilling of all volatile waste, ignitable waste, reactive waste, bulk liquids, and certain sludges (Reference 14). Volatile waste is defined as waste having a true vapor pressure greater than 78 mm Hg at 25°C. Ignitable waste and reactive waste have definitions identical to those promulgated by EPA in 40 CFR 261.21 and 261.23, respectively. Restricted sludges are those that contain greater than 75% liquid by weight; contain liquids that will drain freely from the sludge by gravity; are free flowing sludges; or that contain more than 5% by weight organic liquids (e.g., oil, solvents, chlorinated hydrocarbons, pesticides). An exemption for sludges that contain more than 75% liquid by weight or more than 5% organic liquids by weight may be granted if it can be demonstrated to the MDNR Director's satisfaction that stabilization, volume reduction, incineration, resource recovery, or reuse as acceptable alternatives to landfilling the waste have been investigated,

evaluated, and found impractical. No variances for volatile waste, ignitable waste, or bulk liquids are specified in the regulations.

As of the end of 1983, there is only one permitted hazardous waste landfill in Missouri. Although there have been a few applications for exemption of certain sludges, no variances have yet been granted.

#### New York

Although land disposal restrictions are not specifically mandated by law, the New York Department of Environmental Conservation (DEC) has taken steps to limit the landfilling of certain wastes. Under Chapter 543 of the New York Environmental Conservation Law, the New York DEC is required to prepare a proposal for a short-term hazardous waste management program for effective and safe disposal, treatment, and storage of hazardous waste. On April 1, 1982, the Department submitted a final report, "New York State Short-Term Hazardous Waste Management Plan" to the State Legislature (Reference 15). As part of this plan, the Department proposed to "develop a policy to ban landfilling of certain wastes and a workplan to prepare regulations for implementing the selective ban policy." The draft policy statement recommends prohibiting the following wastes from burial in chemical waste landfills: (1) ignitable wastes, (2) wastes that possess a NFPA Reactivity Hazardous Rating of greater than 3, (3) wastes containing radioactive isotopes, explosives, shock sensitive or pyrophoric substances, (4) wastes that are known to possess the chemical or physical-chemical ability to penetrate the clay and synthetic

membrane liners used at a particular facility, (5) hazardous waste other than highly dilute spill clean-up debris that contains any organic substances listed in 40 CFR 261.33(e) (after January 1, 1985), and (6) wastes from which natural biologic activity may create chemical products, other than methane, having a NFPA Flammability Hazard Rating greater than 3. These prohibitions would be incorporated in permit conditions for "all secure land burial facilities" where necessary.

The DEC also included in its Short-Term Plan an outline of a final workplan for the development of new regulations that would phase in a ban on the landfilling of specific hazardous wastes. The plan includes evaluating all New York regulated hazardous wastes and ranking them from high to low priority for purposes of banning; determining the volumes of all hazardous waste generated in the State; determining the current management practices for each waste in the State; determining the best management practices for each priority waste; and the availability of these best management alternatives for the priority wastes.

As of January 1984, the DEC has yet to decide upon a final policy statement or issue a final workplan regarding new land disposal regulations. Although some progress is being made on a proposal to ban the land disposal of incinerable wastes, the DEC is finding it difficult to develop standards that differentiate between incinerable and non-incinerable wastes. In the meantime, through its hazardous waste site permitting program, New York regulates, on a case-by-case basis, the land disposal of liquid hazardous

wastes. Most permits allow only 5% free liquid by volume for containerized waste, and 15% free fluid (including air) by volume for non-containerized waste. Problems have arisen with this system, however, as facility operators have been known to add inert solids to their wastes in order to meet the permit conditions.

### Ohio

Although Ohio has no legislative or regulatory requirements for restricting the land disposal of hazardous waste, the Ohio EPA does have an operational policy. Through the permitting process, the Agency selectively restricts certain wastes from land disposal. Whenever the owner or operator of a hazardous waste treatment, storage, or disposal facility receives a contract for a particular waste, he must first have it approved by the Agency. After a Waste Product Review, which is conducted for each waste-stream, the Agency may expressly ban the waste, or allow land disposal only after certain treatment processes have rendered it suitable. As of December 1983, a member of the Ohio legislature has endorsed a request by the Agency to propose restrictions on the land disposal of hazardous wastes. A draft proposal by the Ohio EPA is expected by February 1984.

### Rhode Island

The Rhode Island Department of Environmental Management, in September 1979, prohibited disposal of certain types of wastes at various classes of landfills. These rules are delineated in Rule 6 of the "Hazardous Waste Management Facility Operating Permit Rules and Regulations -- Landfills" (Reference 16). The prohibitions are as follows:

Landfill Class

Waste Prohibited

I	Extremely hazardous waste Highly reactive waste Highly flammable waste Infectious Waste Containing CDC Classes 3, 4, or 5 etiologic agents
II	All of the above wastes <u>Plus</u> Highly toxic wastes Moderately reactive waste Moderately flammable waste Highly irritating waste Hazardous waste NOS
III	All of the above wastes <u>Plus</u> Moderately toxic waste All infectious waste Radioactive waste Moderately irritating waste

Definitions of the various waste classes are delineated in Rule 2 (see Reference 16).

As of December 1983, there are no legally operating hazardous waste landfills in Rhode Island, nor are there any construction applications on file with the Department. In order to maintain equivalency with the new RCRA Part 270 permit regulations, the Department has proposed new, more complex, land disposal regulations based on a combination of the 1979 regulations and RCRA standards. The proposed regulations were submitted to EPA on December 1, 1983.

Wisconsin

As directed by the Wisconsin legislature, the Wisconsin Department of Natural Resources issued a report in July 1983 that

identifies Wisconsin's major waste streams, and summarizes the Department's findings and recommendations regarding alternatives to hazardous waste land disposal (Reference 17). Included is an assessment of waste management costs for various waste types, as well as the estimated economic impact of shifting such waste types from land disposal to alternative treatment technologies.

The report analyzes mechanisms for discouraging hazardous waste land disposal and makes recommendations based on a synopsis of activities in other States. Current Wisconsin law grants authority to the Department of Natural Resources to create rules prohibiting disposal of particular hazardous wastes, and the Department has concluded that placing direct restrictions on the forms and types of waste streams suitable for land disposal (as opposed to special taxes or case-by-case restrictions) constitutes the best regulatory mechanism. As such, "only immobilized, chemically stabilized wastes in a solid form will be allowed in Wisconsin hazardous waste land disposal sites" (Reference 17).

As of January 1984, the Department of Natural Resources is still in the process of developing hazardous waste land disposal regulations based on its July report, and expects draft regulations by early March 1984.

## State Contacts

1. California: Bill Luscutoff (916) 322-6023  
Air Resources Board  
  
Jan Radimsky (916) 324-1819  
Department of Health Services
2. Florida: Robert McVety (904) 488-0300  
Department of Environmental Regulation
3. Illinois: Scott Phillips (217) 782-5544  
Illinois EPA
4. Massachusetts: Steve Dreeszan (617) 292-5583  
Department of Environmental Quality  
Engineering (DEQE)
5. Minnesota: Melba Hensel (612) 296-7774  
Minnesota Pollution Control Agency  
  
Kevin Johnson (612) 536-0816  
Waste Management Board
6. Missouri: Carol Eighmey (314) 751-3241  
Department of Environmental Quality
7. New York: Roger Murphy (518) 457-3273  
Department of Environmental Conservation
8. Ohio: Martha Gibbons (614) 466-1594  
Division of Hazardous Materials Management
9. Rhode Island: John S. Quinn, Jr. (401) 277-2808  
Department of Environmental Management
10. Wisconsin: Richard O'Hara (608) 267-7564  
Department of Natural Resources

## References

1. California Department of Health Services. Environmental Health, Title 22, Ch. 30, Article 15. Land Disposal Restrictions. §§66900-66935. (Register 82, No. 52, Dec. 25, 1982). Sacramento, CA, August 31, 1982.
2. California Air Resources Board. A Suggested Control Measure to Reduce Organic Compound Emissions Associated with Volatile Organic Waste Disposal, Sacramento, CA, August 20, 1982.
3. California Air Resources Board. Resolution 82-50. Agenda Item No. 82-18-6, Sacramento, CA, September 23, 1982.
4. California Air Resources Board. Technologies for the Treatment and Destruction of Organic Wastes as Alternatives to Land Disposal, Sacramento, CA, August 1982.
5. California Air Resources Board. Resolution 82-49. Agenda Item No. 82-18-5, Sacramento, CA, September 23, 1982.
6. Illinois Environmental Protection Act., Title X. Permits Section 39, paragraph f. Ill. Rev. Stat. ch. 111 1/2, §§1001-1051, January 1, 1982.
7. Illinois House of Representatives, HB 1054, December 1983.
8. Illinois Environmental Protection Agency. Comment to the Illinois Pollution Control Board in the Matter of Citizen's for a Better Environment's Proposed Amendment to Rule 310 of Chapter 7: Solid Waste Which Would Prohibit Disposal of Chlorinated Solvents in Landfills, Springfield, IL, March 26, 1982.



9. Massachusetts Hazardous Waste Management Act G.L. c 21C, §§30.622 to 30.705, ~~October 15, 1983.~~
10. Massachusetts Department of Environmental Quality Engineering. Hazardous Waste Management Regulations for Massachusetts, Phase II Discussion Draft (Proposed Rule), Boston, MA, April 1982.
11. Minnesota Waste Management Act of 1980, as amended June 1982, Ch. 116.41 - Waste and Waste Facilities Classification, Subdivision 1a - Hazardous Waste Classification.
12. Minnesota Waste Management Board. Draft Hazardous Waste Management Plan, Crystal, MN, December 1983.
13. Minnesota Waste Management Board. Hazardous Waste Management Report, Crystal, MN, December 1983.
14. Missouri Register. Vol. 6, No. 7, July 1981, pp. 785-786.
15. New York State Department of Environmental Conservation. New York State Short-Term Hazardous Waste Management Plan, Final Report. Albany, NY, April 1, 1982.
16. State of Rhode Island and Providence Plantations, Department of Environmental Management. Hazardous Waste Management Facility Operating Permit Rules and Regulations: Landfills, September 1971.
17. Wisconsin Department of Natural Resources. Alternatives to Hazardous Waste Land Disposal, July 1983.

0138 hazardous waste is placed above the natural gradient of the  
 0139 surface and where the waste will remain after closure. The  
 0140 landfill upon closure shall be covered with materials approved  
 0141 by the secretary to prevent infiltration of liquids into the land-

0142 fill.  
 0143 (c) "Underground injection" means the subsurface empla-  
 0144 cement of fluids through a well for which a permit has been  
 0145 issued by the secretary.

0146 (d) "Land treatment" means the practice of applying haz-  
 0147 ardous waste onto or incorporating hazardous waste into the  
 0148 soil surface so that it degrades or decomposes and renders the  
 0149 waste nonhazardous.

0150 (e) "Above ground storage" means the placement of con-  
 0151 taminated hazardous waste into an above ground structure for a  
 0152 temporary period prior to the reuse or ultimate treatment or  
 0153 disposal of such waste.

0154 (f) "Closure plan" means a written document which iden-  
 0155 tifies the procedures by which the owner or operator of a  
 0156 hazardous waste management facility will close such facility so  
 0157 as to control, minimize or eliminate, to the extent necessary to  
 0158 prevent a threat to human health and the environment, post-  
 0159 closure escape of hazardous waste, hazardous waste constitu-  
 0160 ents, leachate, contaminated rainfall or waste decomposition  
 0161 products to the ground, groundwater, surface waters or to the  
 0162 atmosphere.

0163 (g) "Post-closure plan" means the written document which  
 0164 identifies the procedures by which the owner or operator of a  
 0165 hazardous waste management facility shall provide, for a min-  
 0166 imum of 30 years, for groundwater protection, site security and  
 0167 maintenance of cover and leachate collection systems.

0168 ~~Section 4~~ Sec. 2. K.S.A. 1983 Supp. 65-3443 is hereby  
 0169 amended to read as follows: 65-3443. (a) If the secretary finds  
 0170 that the generation, accumulation, management or discharge of a  
 0171 hazardous waste by any person (1) is or threatens to cause  
 0172 pollution of the land, air, or waters of the state or (2) is or  
 0173 threatens to become a hazard to persons, property or public  
 0174 health or safety or (3) that the rules and regulations adopted

or the groundwater

(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) as in effect on the effective date  
of this act.

Atch. 7

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 suc-  
 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  
 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  
 construed as prohibiting mound landfill, above ground storage,

From and after January 1, 1985 the

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.

0251 (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~~

Such rules and regulations shall include, but not be limited to consideration of the characteristics, quantity, form, toxicity, persistence, mobility and the propensity to bioaccumulate of the hazardous waste and the geological, hydrological and topographical characteristics of the proposed disposal site.

(\*) 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 165 pounds (75 kilograms) or more per month.

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

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

(4) On and after July 1, 1987, all persons generating 22 pounds (10 kilograms) or more per month.

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 an

0274 after its publication in the statute book.