

Approved April 6, 1990
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Dennis Spaniol at
Chairperson

12:15 ~~xxx~~ p.m. on April 5, 1990 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Pat Mah, Legislative Research
Maggie French, Committee Secretary

Conferees appearing before the committee:

Representative Debara K. Schauf, Eighty-First District
Representative Ken Francisco, Ninetieth District

Chairman Dennis Spaniol called the meeting to order.

House Bill No. 3110 -- An act concerning groundwater exploration and protection; relating to driven wells.

The chair recognized Representative Debara K. Schauf, Eighty-First District, who testified in favor of House Bill No. 3110. She stated the process of developing standards in rules and regulations has begun and two different methods of installing sandpoints have been suggested (Attachment 1). Discussion followed including questions relating to wells which are not correctly installed; wells which present health hazards; objections to drive pipe method; limitations for domestic use, and testing of sand point wells.

Representative Ken Francisco, Ninetieth District, was called on by the chairman. Representative Francisco presented testimony as a proponent on House Bill No. 3110, discussing testing of cased wells as compared to sand point wells. Discussion followed.

The chairman concluded the hearing on House Bill No. 3110.

Chairman Spaniol brought House Bill No. 3110 up for final action. Representative Gatlin moved to add the word "only" between "precluding and driven" on line 25 of House Bill No. 3110. Motion was seconded by Representative McClure. Representative Patrick made a substitute motion to pass House Bill No. 3110 out favorably from committee as it was written. Motion seconded by Representative Lacey. Representative Grotewiel stated he supported the bill as written. Representative Patrick closed on his motion. Motion passed.

House Bill No. 2911 -- An act concerning quarrying; enacting the quarried-land conservation and reclamation act.

Chairman Spaniol called on Vice-Chairman Freeman to present a sub-committee report on House Bill No. 2911. Vice Chairman Freeman announced sub-committee members included himself as chairman and Representatives Barr, Grotewiel, Krehbiel and Patrick. The proposed balloon amendment to House Bill No. 2911 was distributed to the committee (Attachment 2). Representative Freeman reviewed the balloon amendment and moved to adopt the sub-committee report. Motion was seconded by Representative Fry. Representative Shore commented House Bill No. 2911 would be a good subject for an interim study. Representative Freeman commented he felt this bill needed to be passed this year due to increased activity resulting from the highway plan.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 12:15 ~~xxx~~/p.m. on April 5, 1990.

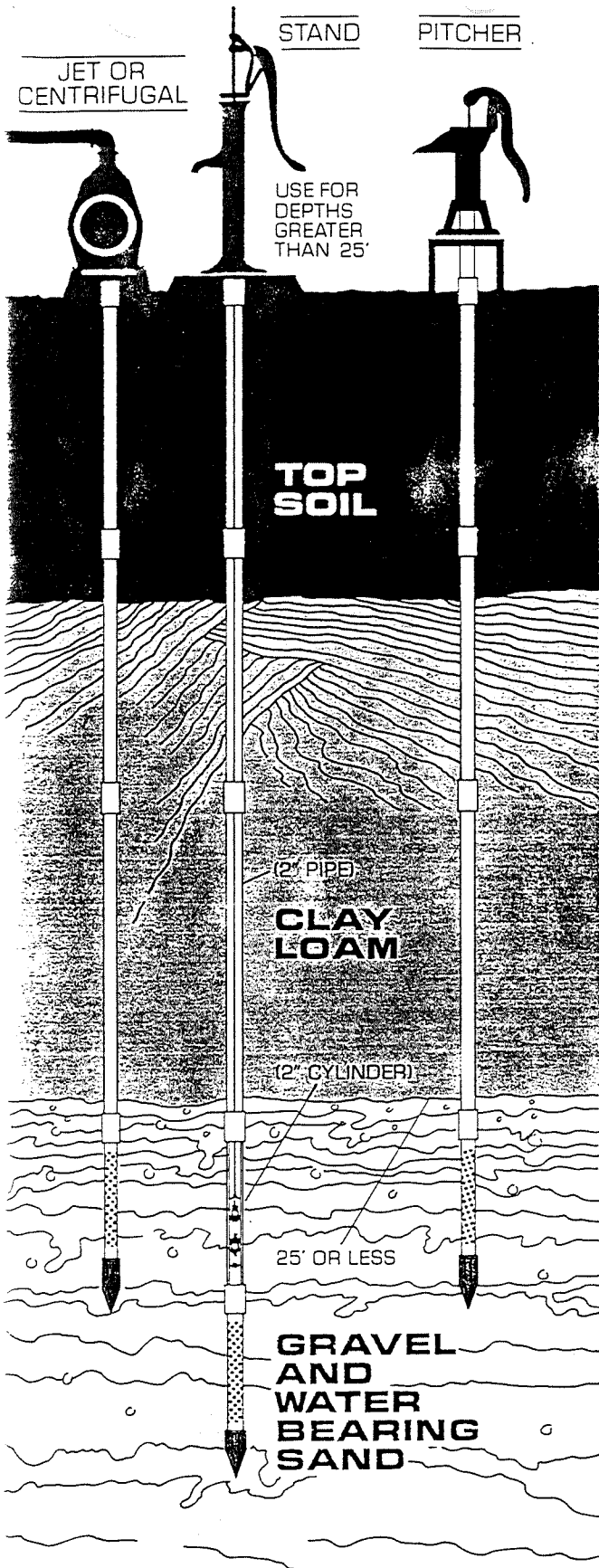
Committee members expressed concern about the balloon amendment to House Bill No. 2911 since it contained so many changes. Representative Roenbaugh moved to table House Bill No. 2911. Motion seconded by Representative Shore. Division was called on show of hands. Motion passed. Representatives Lacey, Barr, Roenbaugh, Lynch and Sughrue concurred the bill should be the subject of an interim study. Representative Sughrue moved the committee request the chairman to write a letter requesting House Bill No. 2911 be approved for interim study. Motion was seconded by Representative Lynch. Motion passed.

Senate Bill No. 538 -- An act amending the Kansas groundwater exploration and protection act; concerning continuing educational requirements for licenses.

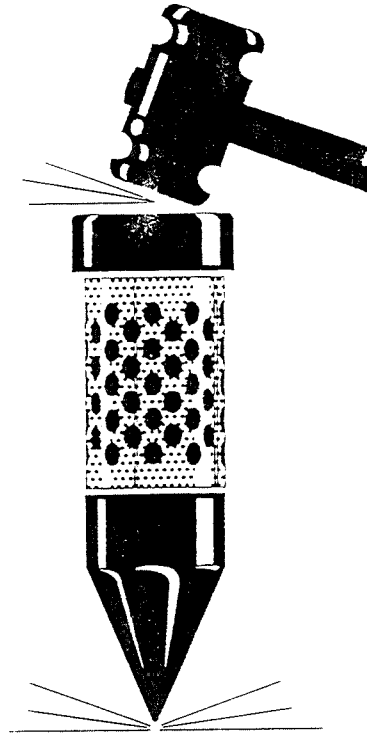
The chairman brought Senate Bill No. 538 up for final action. Representative Gatlin moved to advance Senate Bill No. 538 favorably out of committee without recommendation. Representative Sughrue seconded the motion. Representative Patrick stated he has written amendments to be considered and would like for discussion on this bill to be postponed to another meeting. Representative Patrick moved the meeting be adjourned. Representative Lucas seconded the motion. Motion failed. Representative Patrick made a conceptual motion to amend Senate Bill No. 538, page 2, line 4, to include the phrase "and that subject continuing education would be offered by the Division of Geologic Survey at the University of Kansas to develop and offer the course." Motion was seconded by Representative Lucas. Discussion continued on quality control over who can offer the course and the content of the course. The chairman stated the committee would try to resolve this problem at a later date due to time restrictions.

The meeting adjourned at 1:03 p.m.

PUMP SYSTEMS



CLAYTON MARK DRIVE WELL POINT



Features:

- A truly drivable construction.
- Point, Screen and Coupling a single unit buy.
- No weld or solder to break loose.

Product Use:

- For water tables 25' or less. Use pipe size 1 1/4", 1 1/2" or 2" with jet or pitcher pump.
- For water tables over 25' use only 2" pipe, cylinder and stand pump.

INSTALLATION
INSTRUCTIONS
ON THE INSIDE

CLAYTON MARK

Lake Zurich, IL, (312) 438-2376

A UNIT OF MARK CONTROLS CORPORATION

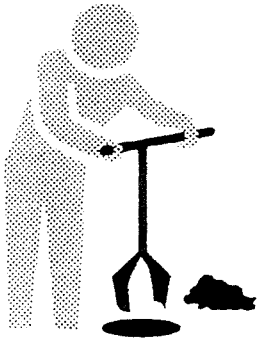
HENERGY AND NR
4-5-90

ATTACHMENT 1

INSTALLATION INSTRUCTIONS

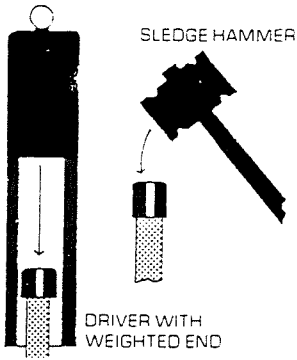
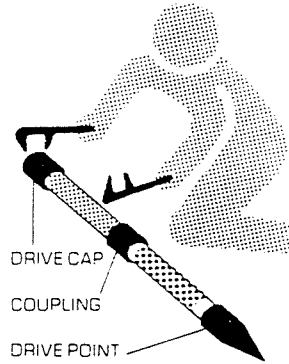
DRIVE WELL POINTS

NOTE: Determine the depth of the water table before beginning. Do not try to drive a well point to depths greater than 50 feet. Most pumps are only capable of lifting water 20-25 feet. Keep all pipe joints tight to eliminate air leaks when pump is installed.



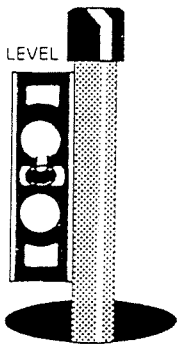
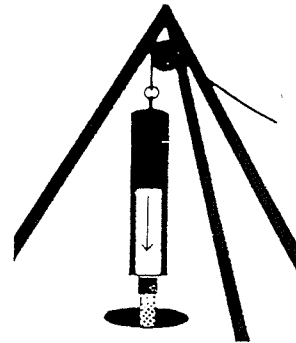
1
Begin by boring a starter hole 3" to 5" in diameter and 18" to 30" deep. Bore this hole with a hole digger or hand auger.

2
Attach a length of pipe to the point using a coupling. Place the drive cap over the open end of the pipe. Always use two wrenches turning in opposite directions.
IMPORTANT: BEFORE USE, REMOVE PLASTIC PROTECTIVE JACKET AROUND SCREEN!



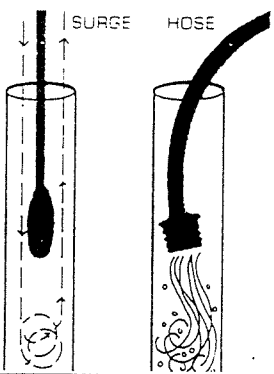
3
To drive point use either a sledge hammer or a 2" or 3" pipe with a weighted end, also called a steel post driver. A pipe driver can be made by filling a 4" or 5" long pipe 1/3 to 1/2 full with lead.

4
When a large driver is used a tripod is required with a lift and pulley as illustrated. Can be assembled from 2x4s and pulleys.



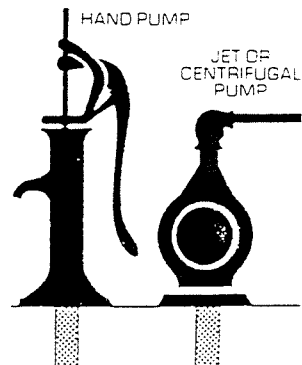
5
Important—Place point and pipe into the hole making sure it is perfectly square or vertically level.

6
Drive the well point and pipe into the earth. Remove the drive cap and add pipe as required. (Rotate clockwise from time to time using a pipe wrench to insure tight couplings. Drive until water table has been penetrated five to ten feet.



7
Clean the well by using either a surging technique or washing with a garden hose. To surge, place a long pole below water level and push up and down to surge the water through the perforated point. This draws fine sand and dirt into the well.

8
Install pump on pipe at the surface. Operate pump to clean and remove foreign material.



Raney D

David Traster

10/11/90

State of Kansas
DEPARTMENT OF HEALTH & ENVIRONMENT
Bureau of Water

MEMORANDUM

TO: David Traster ³³⁰
FROM: Darrel Plummer ⁵⁰⁰ *Darrel*
DATE: March 29, 1990
SUBJECT: Sandpoint Wells

Attached is draft language for sandpoint well regulations as per your request.

The language and requirements are conceptual in nature and were designed to initiate discussions between the water well industry and the department so the language and requirements could be refined into reasonable regulations both the department and industry could live with.

This draft language was then approved by Division of Environment management staff for release to the Kansas Water Well Association Board of Directors and the Groundwater Management District Association Water Well Subcommittee for their review and comments as the next step in this regulation drafting process.

Again, this language, in its present form is nowhere near finalized and was only drafted to initiate dialogue between the industry and the department on the subject of sandpoints. This draft should not even be considered proposed regulations at this point.

bd
C - Don Carlson
Karl Muedener
James Power

*Don Carlson
Karl Muedener*

DRAFT

28-30-6. Construction regulations for all wells not included under section

28-30-5. (a) A water well shall be so located as to minimize the potential for contamination of the delivered or obtained groundwater and to protect groundwater aquifers from pollution and contamination.

(b) Grouting:

(1) Constructed or reconstructed wells shall be sealed by grouting the annular space between the casing and the well bore from ground level to a minimum of 20 feet or to a minimum of five feet into the first clay or shale layer, if present, whichever is greater. If a pitless well adapter or unit is being installed, the grouting shall start below the junction of the pitless well adapter or unit where it attaches to the well casing and shall continue a minimum of 20 feet below this junction or to a minimum of five feet into the first clay or shale layer whichever is greater.

(2) To facilitate grouting, the grouted interval of the well bore shall be drilled to a minimum diameter at least three inches greater than the maximum outside diameter of the well casing. If a pitless well adapter or unit is being installed on the well's casing, the well bore shall be a minimum diameter of at least three inches greater than the outside maximum diameter of the well casing through the grouted interval below the junction of the pitless well adapter or unit where it attaches to the well casing.

(c) If groundwater is encountered at a depth less than the minimum grouting requirement, the grouting requirement may be modified to meet local conditions if approved by the department.

(d) Waters from two or more separate aquifers shall be separated from each other in the bore hole by sealing the bore hole between the aquifers with grout.

(e) The well casing shall terminate not less than one foot above the finished ground surface. No casing shall be cut off below the ground surface

except to install a pitless well adapter unit which shall extend at least 12 inches above the ground surface. No opening shall be made through the well casing except for installation of a pitless well adapter so designed and fabricated to prevent soil, subsurface and surface water from entering the well.

(f) Well vents shall be used and shall terminate not less than one foot above ground surface and shall be screened with not less than 16-mesh, brass, bronze, copper screen or other screen materials approved by the department and turned down in a full 180 degree return bend so as to prevent the entrance of contaminating materials.

(g) Prior to completion of a constructed or reconstructed well, the well shall be cleaned of mud, drill cuttings and other foreign matter so as to make it suitable for pump installations.

(h) Casing. All wells shall have durable watertight casing from at least one foot above finished ground surface to the top of the producing zone of the aquifer. In no event shall the watertight casing extend less than 20 feet below the ground level. Exceptions to either of the above may be granted by the department if warranted by local conditions. The casing shall be clean and serviceable and of a type to guarantee reasonable life so as to insure adequate protection to the aquifer or aquifers supplying the groundwaters. Used, reclaimed, rejected, or contaminated pipe shall not be used for casing any well. All water well casing shall be approved by the department.

(i) All wells, when unattended during construction, reconstruction, treatment or repair, or during use as cased test holes, observation or monitoring wells, shall have the top of the well casing securely capped in a watertight manner to prevent contaminating or polluting materials from gaining access to the groundwater aquifer.

(j) During construction, reconstruction, treatment or repair and prior to initiation of use, all wells producing water for human consumption or food processing, shall be disinfected according to K.A.R. 28-30-10.

(k) The top of the well casing shall be sealed by installing a sanitary well seal.

(l) All groundwater producing zones that are known or suspected to contain natural or man-made pollutants shall be adequately cased and grouted off during construction of the well to prevent the movement of the polluted groundwater to either overlying or underlying fresh groundwater zones.

(m) Toxic materials shall not be used in the construction, reconstruction, treatment or plugging of a water well unless those materials are thoroughly flushed from the well prior to use.

(n) Any pump pit shall be constructed at least two feet away from the water well. The pipe from the pump or pressure tank in the pump pit to the water well shall be sealed in a watertight manner where it passes through the wall of the pump pit.

(o) Water wells shall not be constructed in pits, basements, garages or crawl spaces. Existing water wells which are reconstructed, abandoned and plugged in basements shall conform to these rules and regulations except that the finished grade of the basement floor shall be considered ground level.

(p) All drilling waters used during the construction or reconstruction of any water well shall be initially disinfected by mixing with the water enough sodium hypochlorite to produce at least 100 milligrams per liter, mg/l, of available chlorine.

(q) Natural organic or nutrient producing material shall not be used during the construction, reconstruction, or treatment of a well unless it is thoroughly flushed from the well and the groundwater aquifer or aquifers before the well

is completed. Natural organic or nutrient producing material shall not be added to a grout mix used to grout the well's annular space.

(r) Pump mounting.

(1) All pumps installed directly over the well casing shall be so installed that an airtight and watertight seal is made between the top of the well casing and the gear or pump head, pump foundation or pump stand.

(2) When the pump is not mounted directly over the well casing and the pump column pipe or pump suction pipe emerges from the top of the well casing, a sanitary well seal shall be installed between the pump column pipe or pump suction pipe and the well casing. An airtight and watertight seal shall be provided for the cable conduit when submersible pumps are used.

(s) Construction of sand point or well point water wells. Sand point or well point water wells shall be constructed by drilling or boring a pilot hole down to the sand and gravel formation the contractor or landowner will be driving the well point into. The contractor or landowner shall make the hole at least three inches greater in diameter than the drive pipe or the blank casing if the casing method is used. During the boring of the pilot hole the contractor shall use special care to record the formations encountered and also the depth the contractor or landowner drives the well point into the sand and gravel formation. The contractor or landowner shall record such information on the water well record in accordance with K.S.A. 82a-1212. Sand point or well point water wells shall be completed by using the casing method or the drive point method as described in (1) and (2) below:

(1) Casing method. Approved, durable water tight well casing shall be set from the bottom of the pilot hole to at least one foot above ground surface. The casing shall be grouted in from the bottom of the pilot hole to ground surface. The drive pipe shall be considered as the pump drop pipe. The

contractor or landowner shall install a pitless adaptor for underground discharge. The casing shall be grouted from the bottom of the pilot hole to ground surface with approved grouting materials or to within three to four feet below ground surface when a pitless adaptor is utilized. The wellhead shall be completed by installing a proper sanitary well seal and well vent in accordance with K.A.R. 28-30-6 (f) & (k).

(2) Drive Pipe Method. The drive pipe method shall not be used for any water wells which are intended for human consumption or food processing purposes. The drive pipe shall be grouted with approved grouting material from the bottom of the pilot hole to ground surface. For underground discharge completions, a "T" joint shall be used and grout shall extend from the bottom of the pilot hole to at least three to four feet from ground surface. The top of the drive pipe shall be kept air and water tight with a solid cap of the same material as the drive pipe. For above ground discharge wells, the drive pipe shall terminate not less than one foot above ground surface. In underground discharge completions, the drive pipe may terminate with a solid water tight cap three to four feet below ground surface. In such a completion, a four inch or greater diameter length of blank casings shall be grouted in on the outside with approved grouting material from the top of the drive pipe to one one foot above ground surface. The casing shall be sealed, in such completions, with a tight fitting solid cap. A well vent will not be required in such installations.

(3) Abandonment of well points. Upon abandonment of a well point, the contractor or landowner shall leave the well point in place and plug the sand point with approved grouting materials from total depth to three feet below ground surface. If present, the top three feet of the drive pipe shall be cut off and the resulting excavation filled with surface soils. (Authorized by K.S.A. 82a-1205; implementing K.S.A. 82a-1202, 82a-1205; effective, E-74-34, July

2, 1974; modified L. 1975, ch. 481, May 1, 1975; amended May 1, 1980; amended May 1, 1983; amended May 1, 1987.)

page 2



State of Kansas

Mike Hayden, Governor

Department of Health and Environment

Division of Environment

Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0002

(913) 296-1535

FAX (913) 296-6247

January 22, 1990

917 - 296 5522

Mr. Charles M. Dirck
A-Plus Plumbing & Well Servicing
7520 S. Broadway
Wichita, Kansas 67233

Re: Water well logs submitted to this office

Dear Mr. Dirck:

On January 8, 1990 I reviewed water well records for some sand point wells you installed in 1989 & 1990. According to the records, you did not grout any of the points. Regulations require that 20' of grout be placed in the annular space between the casing and borehole. When a pitless adapter is to be used the required minimum grout column is located from 3' below ground surface to 23' according to K.A.R. 28-30-6(b). In sand point wells, the pilot hole should be at least 3 inches greater in diameter than the well point diameter. The grout in sand point wells should be from the bottom of the pilot hole to ground surface.

In the future, wells you construct, that do not meet K.A.R. 28-30-6(b), will be required to be reconstructed and regouted, additional enforcement action may also be initiated against you.

Enclosed are current copies of Article 12 and Article 30 with K.A.R. 28-30-6(b) highlighted.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to contact me at (913) 296-5522.

Sincerely,

Don Taylor
Environmental Geology Unit
Industrial Programs Section
Bureau of Water

bd

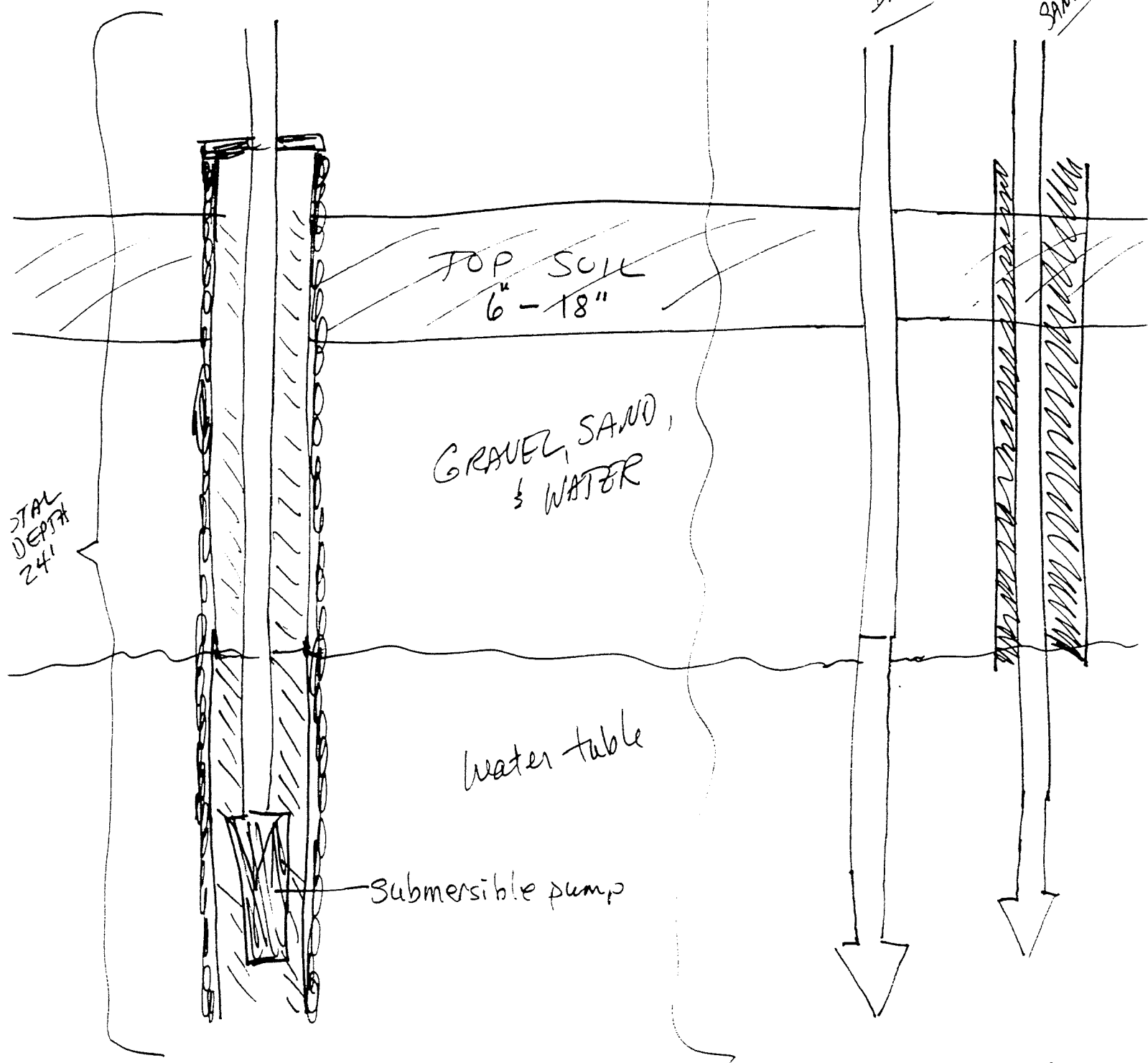
C - Plummer/Cochran
South Central District

1-10

• when the soil is as porous as in my case any contamination is going to affect all wells the same - regardless of if they are driven or cased!

CASED well

DRIVEN POINT
CASED SAND POINT



TOTAL DEPTH 24'

TOP SOIL
6" - 18"

GRAVEL SAND,
1/2 WATER

water table

Submersible pump



State of Kansas

Mike Hayden, Governor

Department of Health and Environment

Division of Environment

Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0002

(913) 296-1535

FAX (913) 296-6247

January 22, 1990

913 - 296 5522

Mr. Charles M. Dirck
A-Plus Plumbing & Well Servicing
7520 S. Broadway
Wichita, Kansas 67233

Re: Water well logs submitted to this office

Dear Mr. Dirck:

On January 8, 1990 I reviewed water well records for some sand point wells you installed in 1989 & 1990. According to the records, you did not grout any of the points. Regulations require that 20' of grout be placed in the annular space between the casing and borehole. When a pitless adapter is to be used the required minimum grout column is located from 3' below ground surface to 23' according to K.A.R. 28-30-6(b). In sand point wells, the pilot hole should be at least 3 inches greater in diameter than the well point diameter. The grout in sand point wells should be from the bottom of the pilot hole to ground surface.

In the future, wells you construct, that do not meet K.A.R. 28-30-6(b), will be required to be reconstructed and regouted, additional enforcement action may also be initiated against you.

Enclosed are current copies of Article 12 and Article 30 with K.A.R. 28-30-6(b) highlighted.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to contact me at (913) 296-5522.

Sincerely,

Don Taylor
Environmental Geology Unit
Industrial Programs Section
Bureau of Water

bd

C - Plummer/Cochran
South Central District

1-12

TO DEBARA SCHAFF

REPRESENTATIVE 87th District.

Room 174-W

phone 296-7672

This is the letter I received from the DHE.

AS you know this you know I can not construct wells this way as there is no way to cast wells 20' when you only have a 7' pilot hole. The installation of a pitting tool is impossible.

DEFINE PILOT HOLE??

Thank you
W. St. Daniel

PROPOSAL

PLUS PLUMBING AND WELL SERVICE
10 S. Broadway
Wichita, Kansas
67233

No.	
Date	3-31-90
Sheet No.	1

Proposal Submitted To:

Work To Be Performed At:

Name Debara Schauf
 Street P.O. Box 68
 City Munvane
 State Kansas
 Phone _____

Street _____
 City _____ State _____
 Date of Plans _____
 Architect _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of
Cost to pull and drive an old well adding new point only

*There are over
 existing
 500 or so point wells
 in a 6 square mile area
 of my shop.*

Neil [Signature]

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Two hundred fifty dollars and no/100 Dollars (\$250.00), with payments to be made as follows:

TOTAL DUE UPON COMPLETION OF JOB _____

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by _____

Respectfully submitted *[Signature]*
 Per _____

Note—This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____
 Date _____ Signature _____

1-14

PROPOSAL

LUS PLUMBING AND WELL SERVICE
7520 S. Broadway
Wichita, Kansas
67233

No.	_____
Date	3-31-90
Sheet No.	1

Proposal Submitted To:

Name Debara Schauf
 Street P.O. Box 68
 City Mulvane
 State Kansas.
 Phone _____

Work To Be Performed At:

Street _____
 City _____ State _____
 Date of Plans _____
 Architect _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of

One 25 foot cased well, 1/2 hp. submersible pump, pt80 pressure tank.
All materials to hook up the well and tank with a 3/4 inch main shut off valve.

MATERIALS TO INCLUDE:

- 20 foot of 5 inch well casing (10 foof of perforated pipe)
- 1-1/2 hp. submersible pump
- Pt 80 pressure tank
- 1- well seal
- 1- pitless adaptor
- all fittings to hook up pump and tank

THIS BID DOES NOT INCLUDE RUNNING THE LINE FROM THE PUMP TO THE HOUSE.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of One thousand two hundred seven dollars Dollars (\$1,207.00).
with payments to be made as follows:

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by _____

Respectfully submitted *Debara Schauf*
Per _____

Note—This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date _____ Signature _____
Signature _____

1-15

PROPOSAL

LUS PLUMBING AND WELL SERVICE
20 S. Broadway
Wichita, Kansas
67233

No.	
Date	3-31-90
Sheet No.	1

Proposal Submitted To:

Work To Be Performed At:

Name Debara Schauf
 Street P.O.Box 68
 City Mulvane
 State Kansas
 Phone _____

Street _____
 City _____ State _____
 Date of Plans _____
 Architect _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of

One 25 foot sand point well, 1/2 Hp. shallow well pump, 42 gal. pressure tank
all materials to hook up the well and tank with a 3/4 inch main shut off
valve.

MATERIAL TO INCLUDE:

- 20 foot of 1 1/4" drive pipe
- 1- 4 foot sand point
- 4-1 1/4" couplings
- 1-1 1/4" check valve
- 1-1/2hp. shallow well pump
- 1-42 gallon pressure tank
- all fittings to hook up pump and tank

THIS BID DOES NOT INCLUDE RUNNING THE LINE FROM THE PUMP TO THE HOUSE.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of _____ Dollars (\$ 727.00).
with payments to be made as follows: Seven hundred twenty seven dollars/ no 100-----

TOTAL AMOUNT DUE UPON COMPLETION OF JOB.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by _____

Respectfully submitted *[Signature]*
Per _____

Note—This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____
 Date _____ Signature _____

1-16

PROPOSED Substitute for HOUSE BILL NO. 2911

By xx

AN ACT concerning quarrying; providing for regulation thereof; providing penalties for certain violations.

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

Section 1. This act shall be known and may be cited as the quarrying regulation act.

Sec. 2. As used in this act:

(a) "Person" means any individual, association, partnership, limited partnership, corporation, government or other agency.

(b) "Quarried minerals" means any stone, shale or similar material obtained from quarrying operations. Quarried minerals does not include coal, alluvial sand or alluvial gravel.

(c) "Quarrying operations" means:

(1) Activities conducted on the surface of lands in connection with quarrying operations. Such activities include excavation for the purpose of obtaining quarried minerals, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit and area quarrying; the use of explosives and blasting; in situ distillation, retorting, leaching or other chemical or physical processing and cleaning, concentrating or other processing, preparation or loading of quarried minerals at or near the quarry site.

(2) The areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles,

H ENERGY AND NR
4-5-90

spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities or other property or materials on the surface, resulting from or incident to such activities.

(d) "Reclamation" means the reconditioning of the area of land affected by quarrying operations.

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

Sec. 3. (a) On and after January 1, 1991, no person shall engage in quarrying operations in this state unless such person possesses a valid permit issued by the secretary for the area of land affected by such quarrying operations.

(b) An application for a permit shall be made to the secretary and shall be in such form and contain such information as required by the secretary. Each application shall state who owns the area to be quarried and who operates the quarrying operation. In addition, the application shall be accompanied by:

- (1) An application fee of \$50;
- (2) proof of the applicant's legal right to the minerals to be quarried;
- (3) proof of compliance with all applicable zoning regulations;
- (4) maps of the area of land to be affected by the quarrying operations, which maps shall show the land before, during and after quarrying operations and shall contain such information, prescribed by rules and regulations of the secretary, as necessary to determine suitability of the site, of the planned quarrying operations and reclamation plans; and
- (5) a statement of the projected environmental impact of the quarrying operations, in such form and detail as required by the secretary.

(c) The secretary shall issue a quarrying permit only if the secretary finds that:

- (1) The applicant has a legal right to the minerals to be

quarried;

(2) the quarrying operations comply with all applicable zoning regulations;

(3) the location of the quarrying operations does not adversely affect public health and safety or the environment; and

(4) the applicant has submitted to the secretary sufficient plans for operation and reclamation.

(d) The term of a permit shall be 10 years. The fees for a permit shall be:

(1) For quarrying operations, a fee of \$50 per acre or permitted area; and

(2) for extraction of minerals, a fee established by rules and regulations of the secretary, but not to exceed \$.01 per ton of minerals quarried.

Sec. 4. (a) The secretary shall impose such conditions on quarrying permits as the secretary determines necessary to public health and safety and the environment. Such conditions shall include but not be limited to:

(1) Control of dust from the permittee's quarrying operations;

(2) compliance with blasting safety standards;

(3) containment of all water run-off in the permitted area;

(4) clear marking of the permitted area;

(5) identification at the entrance to the site as a quarry;

and

(6) reclamation of the area in accordance with recognized reclamation procedures; and

(7) deposit with the secretary of bond or other financial security, satisfactory to the secretary and in an amount fixed by the secretary, sufficient to pay the costs of reclamation.

(b) Each person engaging in quarrying operations in this state shall submit to the secretary, as required by the secretary, a report on all conditions contained in the person's permit.

(c) The secretary shall cause each quarrying operation in

this state to be inspected at least quarterly and at other times when valid complaints are received by the secretary.

(d) Any person engaged in quarrying operations in this state on the effective date of this act shall have four years after the effective date of this act to comply with the conditions of the permit issued for such operations.

Sec. 5. (a) The secretary, upon a finding that the permittee has failed to comply with any condition of a permit with which the permittee is required to comply pursuant to this act, may impose upon the permit holder a civil penalty not exceeding \$5,000 for each day of noncompliance.

(b) All civil penalties assessed pursuant to this section shall be due and payable within 35 days after written notice of the imposition of a civil penalty is served on the person upon whom the penalty is being imposed, unless a longer period of time is granted by the secretary or unless the person appeals the assessment as provided in this section.

(c) No civil penalty shall be imposed under this section except upon the written order of the secretary or the secretary's designee to the person upon whom the penalty is to be imposed, stating the nature of the violation, the penalty imposed and the right of the person upon whom the penalty is imposed to appeal to the secretary for a hearing on the matter. A person upon whom a civil penalty has been imposed may appeal, within 15 days after service of the order imposing the civil penalty, to the secretary. If appealed, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act. The decision of the secretary shall be final unless review is sought under subsection (d).

(d) Any action of the secretary pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

Sec. 6. The secretary shall adopt such rules and regulations as necessary to administer and enforce the provisions of this act.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.