

Approved _____ Date _____

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Ross Doyen at _____
Chairperson

8:06 a.m./p.m. on March 31, 1992 in room 423-S of the Capitol.

All members were present except: All members were present.

Committee staff present:

Pat Mah, Legislative Research Department
Raney Gilliland, Legislative Research Department
Don Hayward, Revisor of Statutes
Mary Ann Torrence, Revisor of Statutes
Lila McClaflin, Committee Secretary
Conferees appearing before the committee:

Ernie Mosher, League of Kansas Municipalities
Ron Hammerschmidt, Kansas Department of Health and Environment
Larry Knoche, Kansas Department of Health and Environment

The Chairman opened committee hearings on HB 2801 - solid waste management: relating to local solid waste management committees and plans. Providing for the imposition of certain fees and the disposition of revenue.

Senator Langworthy expressed concern with the \$25 tipping fee and how it would affect the border counties. She moved to amend the bill to strike this provision. Senator Frahm seconded the motion. Discussion followed on the motion. Motion failed.

Senator Sallee said because of the PCB's contained in shredder fluff, he was concerned with using it for daily cover. He moved to strike the language in new (r) "shredder fluff used as daily cover" (Attachment 1). Senator Hayden seconded the motion. Motion carried.

Senator Sallee moved to amend the bill on page 4 by inserting on line 8 after the semi-colon and before the and, "At least one representative of each private solid waste management entity with a permit to operate a solid waste disposal area within the county or counties. Senator Frahm seconded the motion. The motion was discussed by the Committee. Ron Hammerschmidt was called on to review the makeup of the solid waste management committee. Senator Sallee moved that his amendment be conceptual to include at least one representative for each private landfill facility. The question was called for and the motion carried (Attachment 2).

Ernie Mosher distributed a balloon draft of the amendments that the League requested (Attachment 3). Ron Hammerschmidt discussed the proposed amendments. Senator Hayden moved to adopted the amendment in the League's balloon, on Page 3, in line 18, after the period, insert the language "The secretary shall not require the submission of county or regional plans earlier than one year following completion and distribution of the statewide solid waste management plan provided for in K.S.A. 65-3406(a), as amended. Senator Daniels seconded the motion. Motion carried. Senator Langworthy moved to adopted the League's proposed amendment in Sec. 5 (b) insert after assist new language "any county or", and in the following line after regional insert new language "or metropolitan area", and in (c) All grants shall be made in accordance with appropriations acts from insert new language "the state general fund or from". The motion was seconded by Senator Yost. Motion carried. Senator Hayden moved to amend, on page 16, the state solid waste tonnage fee of \$1.50 to \$1.00. The motion died for lack of a second. A motion was made

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,
room 423-S, Statehouse, at 8:06 a.m./~~p.m.~~ on March 31, 1992

by Senator Langworthy to conceptually amend New Sec 10 in (b) for clarification, and on line 2 insert "or without". The motion was seconded by Senator Frahm. Motion carried.

Senator Martin moved to report HB 2801 favorably as amended. Senator Lee seconded the motion. Motion carried.

The Chair referred to HB 3153 - amending the underground storage tank trust fund law.

Senator Lee distributed copies of proposed Senate Substitute for HB 3153.

Staff reviewed the proposed draft, and Larry Knoche from the Department responded to questions regarding above ground storage tanks, and he suggested the legislation should be contingent on federal standards.

The meeting adjourned at 8:59 a.m. The next meeting will be April 1, 1992.

19-91 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date 31 March 92

PLEASE PRINT

GUEST LIST

NAME

REPRESENTING

Shari L. Wilson

KDHE

Anne Smith

Ks. Assoc of Counties

Rod Hamm

Hamm Companies, PERRY

Edward R. Moses

KAAP, Topeka

Jean Delor

Affuborough

Kristy Welter

KNRC

Martha Jenkins

Ks. Gov. Consulting

William Anderson

KDHE

Larry Knoche

KDHE

Pat Cussey

"

Gary Blackburn

KDHE

Charles Nicolay

Ks Oil Marketers Assn

Kelly Rindorke

Kanwei Land Trust

KDHE

Charles Ford

Ks LVSTR. Assn.

Mike Beam

Larry Ray

Jo Co Comm.

Whiquita Cornelius

KS BIRP

Joyce A. Wolf

Ks. Audubon Council

JIM COOPER

QUIKTRIP

Fol Libr

Ks. County Council 1

STEVE KEARNEY

PETE McCall

RANDALL HINDE

SELF

1 association, corporation, individual or individuals having controlling
2 or majority interest in a corporation, institution, political subdivision
3 or, state agency or federal department or agency.

4 (f) "Waters of the state" means all streams and springs, and all
5 bodies of surface or groundwater, whether natural or artificial, within
6 the boundaries of the state.

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

8 (h) "Department" means the Kansas department of health and
9 environment.

10 (i) "Disposal" means the discharge, deposit, injection, dumping,
11 spilling, leaking or placing of any solid waste into or on any land
12 or water so that such solid waste or any constituent thereof may
13 enter the environment or be emitted into the air or discharged into
14 any water.

15 (j) "Open dumping" means the disposal of solid waste at any solid
16 waste disposal area or facility which is not permitted by the secretary
17 under the authority of K.S.A. 65-3407, and amendments thereto, or
18 the disposal of solid waste contrary to rules and regulations adopted
19 pursuant to K.S.A. 65-3406, and amendments thereto.

20 (k) "Generator" means any person who produces or brings into
21 existence solid waste.

22 (l) "Monitoring" means all procedures used to (1) systematically
23 inspect and collect data on the operational parameters of a facility,
24 an area or a transporter, or (2) to systematically collect and analyze
25 data on the quality of the air, groundwater, surface water or soils
26 on or in the vicinity of a solid waste disposal facility or area.

27 (m) "Closure" means the permanent cessation of active disposal
28 operations, abandonment of the disposal area, revocation of the
29 permit or filling with waste of all areas and volume specified in the
30 permit and preparing the area for the long-term care.

31 (n) "Post closure" means that period of time subsequent to closure
32 of a solid waste disposal area when actions at the site must be
33 performed.

34 (o) "Reclamation facility" means any location at which material
35 containing a component defined as a hazardous substance pursuant
36 to K.S.A. 65-3452a and amendments thereto is processed.

37 Sec. 2. K.S.A. 65-3405 is hereby amended to read as follows:
38 65-3405. (a) On or before January 1, 1971, each county shall
39 organize a solid waste management committee provided for in
40 subsection (b) of this section. On or before June 30, 1974, each
41 county with a population in excess of thirty thousand (30,000)
42 and each city located therein which elects pursuant to sub-
43 section (b) of this section to exclude such city from the county

(p) Designated city means a city or group of cities which through interlocal agreement with the county in which they are located, is delegated the responsibility for preparation, or adoption, or implementation of the county solid waste plan.

(q) "Non-hazardous special waste" means any solid waste designated by the secretary as requiring extraordinary handling in a solid waste disposal area.

(r) "Recyclables" means any scrap materials that can be used as a replacement for virgin material in manufacturing including but not limited to ferrous metals, scrap paper products, scrap plastics, shredder fluff used as daily cover, and non-ferrous metals as defined by rule and regulation.

(s) "Scrap material processing industry" means any person who accepts, processes and markets recyclables.

(t) "Scrap material recycler and processing facility" means a fixed location that utilizes machinery and equipment for processing only recyclables.

Strike the language in new (r) "shredder fluff used as daily cover,"

PCB's

E & NR
Attachment 1
3-31-92
1-1

E & NR
3-31-92

Sallee Attachment 1

F+NR
Attachment 2
3-31-92
2-1

1 The membership of the committee shall include: (1) At least one
2 member representative of each class of city located within the county
3 or counties; (2) representatives of the general public, citizen organ-
4 izations, private industry, any private solid waste management
5 industry operating in the county or counties and any private recycling
6 or scrap material processing industry operating in the county or
7 counties; (3) the recycling coordinator, if any, of the county or
8 counties; and (4) any other persons deemed appropriate by the
9 county or counties including, but not limited to, county commis-
10 sioners, county engineers, county health officers and county plan-
11 ners. Members representing cities shall be selected by the mayors
12 of the cities represented and the members of the public at large
13 other members shall be selected by the board of county
14 commissioners.

15 (c) The solid waste management committee shall: (1) Be respon-
16 sible for the preparation of the solid waste management plan of the
17 county or group of counties participating in the committee; (2) review
18 the plan at least annually and submit to the secretary or the se-
19 cretary's designee any recommendations for revision of the plan; and
20 (3) at least every five years hold a public hearing on the plan and
21 future goals of solid waste management in the county or group of
22 counties.

23 (d) Each county or group of counties is required to adopt and
24 implement a solid waste management plan pursuant to this section
25 and is responsible for continued and ongoing planning for systematic
26 solid waste management within the boundaries of such county or
27 group of counties. Each county or group of counties shall demon-
28 strate that its planning process includes regular communication with
29 other counties or groups of counties and reflects consideration of
30 planning and solid waste management practices that are ongoing in
31 the state. The solid waste management plan submitted by of each
32 county or group of counties shall provide for a solid waste manage-
33 ment system plan to serve the residents of all townships and cities
34 within the county or group of counties except for those cities
35 which elect to be excluded from the county plan by resolution
36 adopted by the city governing body thereof. *Provided*, That
37 the county plan shall take reasonable cognizance of separately
38 prepared plans developed by cities within such county.

39 (e) Every plan shall:

40 (1) Delineate areas within the jurisdiction of the political sub-
41 division where waste management systems are in existence and areas
42 where the solid waste management systems are planned to be avail-
43 able within a ten-year 10-year period.

insert on Line 8 after the semi-colon and before the
and , "At least one representative of each private
solid waste management entity with a permit to
operate a solid waste disposal area within the
county or counties;"

*existing landfill
have representative*

F+NR
3-31-92
attachment 2
Sallee

HOUSE BILL No. 2801

By Committee on Energy and Natural Resources

1-29

11 AN ACT concerning solid waste management; relating to local solid
12 waste management committees and plans; providing for the im-
13 position of certain fees and the disposition of revenues therefrom;
14 amending K.S.A. 65-3402, 65-3405, 65-3406 and 65-3415 and
15 K.S.A. 1991 Supp. 65-3407 and 65-3419 and repealing the existing
16 sections.

17
18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. K.S.A. 65-3402 is hereby amended to read as follows:
20 65-3402. The following words and phrases when used in this
21 act shall, for the purpose of this act, have the meanings re-
22 spectively ascribed to them in this section. As used in this act,
23 unless the context otherwise requires:

24 (a) "Solid waste" means garbage, refuse and other discarded ma-
25 terials including, but not limited to, solid, semisolid, sludges, liquid
26 and contained gaseous waste materials resulting from industrial, com-
27 mercial, agricultural and domestic activities. ~~Such term shall Solid~~
28 ~~waste does not include hazardous wastes as defined by subsection~~
29 ~~(f) of K.S.A. 65-3430, and amendments thereto.~~

30 (b) "Solid waste management system" means the entire process
31 of storage, collection, transportation, processing, and disposal of solid
32 wastes by any person engaging in such process as a business, or by
33 any state agency, city, authority, county or any combination thereof.

34 (c) "Solid waste processing facility" means incinerator, compost
35 plant, transfer station, ~~recycling~~ *reclamation facility* or any other
36 location where solid wastes are consolidated, temporarily stored ~~or,~~
37 salvaged *or otherwise processed* prior to being transported to a final
38 disposal site.

39 (d) "Solid waste disposal area" means any area used for the dis-
40 posal of solid waste from more than one residential premise, or one
41 or more commercial, industrial, manufacturing, or municipal
42 operations.

43 (e) "Person" means individual, partnership, firm, trust, company,



**Amendments to Balloon Draft Proposed by
League of Kansas Municipalities**

, recyclables, or the waste of domestic animals as described in
K.S.A. 65-3409(a)(1).

This term does not include a scrap material recycling and
processing facility.

*F&NR
attachment 3
3-31-92
B-1*

*F&NR
3-31-92
attachment 3
Ernie Mosher*

1 association, corporation, *individual or individuals having controlling*
2 *or majority interest in a corporation*, institution, political subdivision
3 or, state agency or federal department or agency.

4 (f) "Waters of the state" means all streams and springs, and all
5 bodies of surface or groundwater, whether natural or artificial, within
6 the boundaries of the state.

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

8 (h) "Department" means the Kansas department of health and
9 environment.

10 (i) "Disposal" means the discharge, deposit, injection, dumping,
11 spilling, leaking or placing of any solid waste into or on any land
12 or water so that such solid waste or any constituent thereof may
13 enter the environment or be emitted into the air or discharged into
14 any water.

15 (j) "Open dumping" means the disposal of solid waste at any solid
16 waste disposal area or facility which is not permitted by the secretary
17 under the authority of K.S.A. 65-3407, and amendments thereto, or
18 the disposal of solid waste contrary to rules and regulations adopted
19 pursuant to K.S.A. 65-3406, and amendments thereto.

20 (k) "Generator" means any person who produces or brings into
21 existence solid waste.

22 (l) "Monitoring" means all procedures used to (1) systematically
23 inspect and collect data on the operational parameters of a facility,
24 an area or a transporter, or (2) to systematically collect and analyze
25 data on the quality of the air, groundwater, surface water or soils
26 on or in the vicinity of a solid waste disposal facility or area.

27 (m) "Closure" means the permanent cessation of active disposal
28 operations, abandonment of the disposal area, revocation of the
29 permit or filling with waste of all areas and volume specified in the
30 permit and preparing the area for the long-term care.

31 (n) "Post closure" means that period of time subsequent to closure
32 of a solid waste disposal area when actions at the site must be
33 performed.

34 (o) "Reclamation facility" means any location at which material
35 containing a component defined as a hazardous substance pursuant
36 to K.S.A. 65-3452a and amendments thereto is processed.

37 Sec. 2. K.S.A. 65-3405 is hereby amended to read as follows:
38 65-3405. (a) On or before January 1, 1971, each county shall
39 organize a solid waste management committee provided for in
40 subsection (b) of this section. On or before June 30, 1974, each
41 county with a population in excess of thirty thousand (30,000)
42 and each city located therein which elects pursuant to sub-
43 section (b) of this section to exclude such city from the county.

(p) Designated city means a city or group of cities which through
interlocal agreement with the county in which they are located, is
delegated the responsibility for preparation, or adoption, or
implementation of the county solid waste plan.

(q) "Non-hazardous special waste" means any solid waste designated
by the secretary as requiring extraordinary handling in a solid
waste disposal area.

(r) "Recyclables" means any scrap materials that can be used as a
replacement for virgin material in manufacturing including but
not limited to ferrous metals, scrap paper products, scrap
plastics, shredder fluff used as daily cover, and non-ferrous
metals as defined by rule and regulation.

(s) "Scrap material processing industry" means any person who
accepts, processes and markets recyclables.

(t) "Scrap material recycler and processing facility" means a
fixed location that utilizes machinery and equipment for processing
only recyclables.

1 plan shall submit to the secretary a workable plan for the man-
 2 agement of solid waste within such county or city. On or before
 3 June 30, 1974, each county with a population of from fifteen
 4 thousand (15,000) to thirty thousand (30,000) and each city lo-
 5 cated therein which elects pursuant to subsection (b) of this
 6 section to exclude such city from the county plan shall submit
 7 to the secretary a workable plan for the management of solid
 8 waste within such county or city. On or before June 30, 1974,
 9 each county with a population of less than fifteen thousand
 10 (15,000) and each city located therein which elects pursuant to
 11 subsection (b) of this section to exclude such city from the
 12 county plan Each county of this state, shall submit to the secretary
 13 a workable plan for the management of solid waste in such county
 14 or city. The plan developed by each county, or city shall be adopted
 15 by the governing body of such county, or city and. Two or more
 16 counties, by interlocal agreement entered into pursuant to K.S.A.
 17 12-2901 et seq., and amendments thereto, may develop and adopt
 18 a regional plan in lieu of separate county plans. County and regional
 19 plans shall be amended from time to time as changing conditions
 20 occur by the filing of revisions to said plan with the secretary.
 21 Nothing in this act shall be construed to supersede or oust the
 22 jurisdiction of any local solid waste control program in oper-
 23 ation on the effective date of this act: Provided, That within
 24 two (2) years from such date, any such program shall meet all
 25 the requirements of this act for a local solid waste control
 26 program. Any approval required shall be deemed granted un-
 27 less action is taken to the contrary filing revisions with the
 28 secretary.

_____ or a designated city,
 _____ or designated city
 _____ or designated city if so authorized



The secretary shall not require the submission of county or regional plans earlier than one year following completion and distribution of the statewide solid waste management plan provided for in K.S.A. 65-3406(a), as amended.

29 (b) There is hereby created in each county of this state a
 30 solid waste management committee which shall include one
 31 (1) member of the board of county commissioners, the county
 32 engineer, the county health officer or his designated represen-
 33 tative, the director of planning if one exists, one representative
 34 from each city and township served by the county solid waste
 35 management plan, two members who shall be selected from
 36 the public at large. City members of the solid waste manage-
 37 ment planning committee shall be established in each county or
 38 group of counties cooperating in a regional plan a solid waste man-
 39 agement committee. Subject to the requirements of this section, the
 40 membership of the committee, the terms of committee members, the
 41 organization of the committee and selection of its officers shall be
 42 determined by the county or counties by interlocal agreement entered
 43 into pursuant to K.S.A. 12-2901 et seq., and amendments thereto.

_____ A county by interlocal agreement may designate a city as the solid waste management planning authority for the county.

21
22

43

(To include adopted amendment proposed by Sen. Martin.)

3-4

1 The membership of the committee shall include: (1) At least one
 2 member representative of each class of city located within the county
 3 or counties; ~~(2) representatives of the general public, citizen organ-~~
 4 ~~izations, private industry, any private solid waste management in-~~
 5 ~~dustry operating in the county or counties and any private recycling~~
 6 ~~or scrap material processing industry operating in the county or~~
 7 ~~counties; (3) the recycling coordinator, if any, of the county or~~
 8 ~~counties; and (4) any other persons deemed appropriate by the~~
 9 ~~county or counties including, but not limited to, county commis-~~
 10 ~~sioners, county engineers, county health officers and county plan-~~
 11 ~~ners. Members representing cities shall be selected by the mayors~~
 12 ~~of the cities represented and the members of the public at large~~
 13 ~~other members shall be selected by the board of county~~
 14 ~~commissioners-~~

, and at least one representative from each city with a permit to operate a disposal site within the county or counties.

or designated city or designated cities

or governing body of a designated city or designated cities.

15 (c) The solid waste management committee shall: (1) Be respon-
 16 sible for the preparation of the solid waste management plan of the
 17 county or group of counties participating in the committee; (2) review
 18 the plan at least annually and submit to the secretary or the se-
 19 cretary's designee any recommendations for revision of the plan; and
 20 (3) at least every five years hold a public hearing on the plan and
 21 future goals of solid waste management in the county or group of
 22 counties.

23 (d) Each county or group of counties is required to adopt and
 24 implement a solid waste management plan pursuant to this section
 25 and is responsible for continued and ongoing planning for systematic
 26 solid waste management within the boundaries of such county or
 27 group of counties. Each county or group of counties shall demon-
 28 strate that its planning process includes regular communication with
 29 other counties or groups of counties and reflects consideration of
 30 planning and solid waste management practices that are ongoing in
 31 the state. The solid waste management plan submitted by of each
 32 county or group of counties shall provide for a solid waste manage-
 33 ment system plan to serve the residents of all townships and cities
 34 within the county or group of counties except for those cities
 35 which elect to be excluded from the county plan by resolution
 36 adopted by the city governing body thereof. *Provided*, That
 37 the county plan shall take reasonable cognizance of separately
 38 prepared plans developed by cities within such county.

or designated city or designated cities

39 (e) (e) Every plan shall:
 40 (1) Delineate areas within the jurisdiction of the political sub-
 41 division ~~where waste management systems are in existence and areas~~
 42 ~~where the solid waste management systems are planned to be avail-~~
 43 ~~able within a ten-year 10-year period.~~

or subdivisions

4-17

1 (2) Reasonably conform to the rules, and regulations, standards
 2 and procedures adopted by the secretary for implementation of this
 3 act.

4 (3) Provide for the orderly extension of solid waste management
 5 systems in a manner consistent with the needs and plans of the
 6 whole area, and in a manner which will not contribute to pollution
 7 of the waters or air of the state, nor constitute a public nuisance
 8 and shall otherwise provide for the safe and sanitary disposal of solid
 9 waste.

10 (4) Take into consideration existing comprehensive plans, pop-
 11 ulation trend projections, engineering and economics so as to delin-
 12 eate with practicable precision those portions of the area which may
 13 reasonably be expected to be served by a solid waste management
 14 system within the next ~~ten~~ (10) 10 years.

15 (5) Take into consideration existing acts and regulations affecting
 16 the development, use and protection of air, water or land resources.

17 (6) Establish a time schedule and revenue schedule for the de-
 18 velopment, construction and operation of the planned solid waste
 19 management systems, together with the estimated cost thereof.

20 (7) Describe the elements of the plan which will require public
 21 education and include a plan for delivering such education.

22 (8) Include such other reasonable information as the secretary
 23 shall require requires.

24 (9) Establish a schedule for the reduction of ~~the~~ waste volumes
 25 with goals of 25% by 1997, and 50% by 2002 in consideration
 26 of the following:

- 27 (A) Resource conservation;
- 28 (B) reduction;
- 29 (C) reuse and recycling;
- 30 (D) processing treatment; and
- 31 (E) land disposal.

32 (10) Take into consideration the development of specific man-
 33 agement programs for certain wastes, including but not limited to
 34 lead acid batteries, household hazardous wastes, small quantities
 35 of hazardous waste, white goods containing chlorofluorocarbons,
 36 agricultural chemicals and chemical containers, motor oil and yard
 37 waste.

38 (d) (f) The plan and any revision of the plan shall be reviewed
 39 by appropriate official planning agencies within the area covered by
 40 the plan for consistency with programs of comprehensive planning
 41 for the area; and All such reviews shall be transmitted to the
 42 secretary with the proposed plan or revision.

43 (e) (g) The secretary is hereby authorized to approve or disap-

_____ taking in consideration the following:

- (A) source reduction
- (B) reuse, recycling, composting and;
- (C) land disposal.

21
22

1 prove plans for solid waste management systems, *or revisions of such*
 2 *plans*, submitted in accordance with this act. ~~In the event any plan~~
 3 *If a plan or revision* is disapproved, the secretary shall furnish any
 4 and all reasons for such disapproval, and ~~any city, county or po-~~
 5 ~~litical subdivision~~ *the county or group of counties* whose plan *or*
 6 *revision* is disapproved may request a hearing before the secretary
 7 in accordance with K.S.A. 65-3412, *and amendments thereto.*

8 (f) (h) The secretary is authorized to provide technical assistance
 9 to ~~counties, municipalities and authorities~~ *counties*, in coordinat-
 10 ing plans for solid waste management systems required by this act,
 11 including revisions of such plans. _____, or designated cities

12 (g) (i) The secretary may, ~~in appropriate cases, recommend~~
 13 ~~the submission of joint plans require the adoption, submission~~
 14 ~~and implementation of a regional plan for two or more coun-~~
 15 ~~ties~~ recommend that two or more counties adopt, submit and im-
 16 plement a regional plan rather than separate county plans.

17 (h) (j) The secretary may institute appropriate action ~~under~~
 18 ~~K.S.A. 65-3414~~ to compel submission of plans *or plan revisions* in
 19 accordance with this act and the rules, *and* regulations, standards
 20 and procedures of the secretary.

21 Sec. 3. K.S.A. 65-3406 is hereby amended to read as follows:
 22 65-3406. (a) The secretary is authorized and directed to:

23 (a) (1) Adopt such rules and regulations, standards and proce-
 24 dures relative to solid waste management as ~~shall be~~ necessary to
 25 protect the public health and environment, prevent public nuisances,
 26 and enable the secretary to carry out the purposes and provisions
 27 of this act.

28 (b) (2) Report to the legislature on further assistance needed to
 29 administer the solid waste management program.

30 (c) (3) Administer the solid waste management program pursuant
 31 to provisions of this act.

32 (d) (4) Cooperate with appropriate federal, state, interstate and
 33 local units of government and with appropriate private organizations
 34 in carrying out duties under this act.

35 (e) (5) Develop a statewide solid waste management plan.

36 (f) (6) Provide technical assistance, including the training of per-
 37 sonnel to cities, counties and other political subdivisions.

38 (g) (7) Initiate, conduct and support research, demonstration pro-
 39 jects, and investigations and coordinate all state agency research
 40 programs with applicable federal programs pertaining to solid waste
 41 management systems.

42 (h) (8) Establish policies for effective solid waste management
 43 systems.

and regions

1 (i) (9) Assist counties ~~to jointly establish and implement regional~~
2 ~~solid waste planning and management.~~

3 (j) (10) Authorize issuance of such permits and orders and con-
4 duct such inspections as may be necessary to implement the pro-
5 visions of this act and the rules and regulations and standards adopted
6 pursuant to this act.

7 (k) (11) Conduct and contract for research and investigations
8 in the overall area of solid waste storage, collection, transportation,
9 processing, treatment, recovery and disposal including, but not lim-
10 ited to, new and novel procedures.

11 (l) (12) Adopt rules and regulations for permitting of all solid
12 waste disposal areas, including those that are privately owned.

13 (m) (13) Adopt rules and regulations establishing criteria for
14 the location of processing facilities and disposal areas for solid wastes.

15 (n) (14) Adopt rules and regulations establishing appropriate
16 measures for monitoring solid waste disposal areas and processing
17 facilities, both during operation and after closure.

18 (o) (15) Adopt rules and regulations requiring that, for such
19 period of time as the secretary shall specify, any assignment, sale,
20 conveyance or transfer of all or any part of the property upon which
21 a permitted disposal area for solid waste is or has been located shall
22 be subject to such terms and conditions as to the use of such property
23 as the secretary shall specify to protect human health and the
24 environment.

25 (p) (16) Adopt suitable measures, including rules and regu-
26 lations if appropriate, to encourage ~~require~~ induce recovery and
27 recycling of solid waste for reuse whenever feasible.

28 (q) (17) Adopt rules and regulations establishing standards for
29 public and private transporters of solid waste.

30 (r) (18) Adopt rules and regulations establishing minimum
31 standards for closing, termination, and long-term care of sites for
32 the land disposal of solid waste. In this subsection, "site" refers to
33 a site for the land disposal of solid waste which has a permit issued
34 under K.S.A. 65-3407 and amendments thereto. The owner of a site
35 shall be responsible for the long-term care of the site for ~~ten~~ (10)
36 30 years after the closing of the site, except the secretary may extend
37 the long-term care responsibility of a particular site or sites as the
38 secretary may deem deems necessary to protect the public health
39 and safety or the environment. Any person acquiring rights of own-
40 ership, possession, or operation in a permitted site or facility for the
41 land disposal of solid waste at any time after the site has begun to
42 accept waste and prior to closure shall be subject to all requirements
43 of the permit for the site or facility, including the requirements

3-7

7-17

B-8

1 relating to long-term care of the site or facility.
 2 ~~(s)~~ (19) *Enter into cooperative agreements with the secretary of*
 3 *commerce for the development and implementation of statewide mar-*
 4 *ket development for recyclable materials.*

5 (b) *In adopting rules and regulations, the secretary shall allow*
 6 *the exemption contained in subsection (f)(1) of 40 CFR 258.1.*

7 Sec. 4. K.S.A. 1991 Supp. 65-3407 is hereby amended to read
 8 as follows: 65-3407. (a) It shall be unlawful for any person to con-
 9 struct, alter or operate a solid waste processing facility or a solid
 10 waste disposal area of a solid waste management system without first
 11 obtaining a permit from the secretary.

12 (b) Every person desiring to obtain a permit to construct, alter
 13 or operate a solid waste storage, treatment or processing facility or
 14 disposal area shall make application for such a permit on forms
 15 provided for such purpose by the rules and regulations of the sec-
 16 retary and shall provide the secretary with such information as nec-
 17 essary to show that the facility or ~~service~~ area will comply with the
 18 purpose of this act. Upon receipt of any application and payment of
 19 the *application* fee, the secretary, with advice and counsel from the
 20 local health authorities and the county commission, shall make an
 21 investigation of the proposed solid waste processing facility or dis-
 22 posal area and determine whether it complies with the provisions
 23 of this act and any rules and regulations and standards adopted
 24 thereunder. *The secretary also may consider the need for the facility*
 25 *or area in conjunction with the county or regional solid waste man-*
 26 *agement plan.* When the investigation reveals that the facility or
 27 area does conform with the provisions of the act and the rules and
 28 regulations and standards adopted thereunder the secretary shall
 29 approve the application and shall issue a permit for the operation
 30 of each solid waste processing or disposal facility or area set forth
 31 in the application. In the event that the facility or area fails to meet
 32 the rules and regulations and standards required by this act the
 33 secretary shall issue a report to the applicant stating the deficiencies
 34 in the application. The secretary may issue temporary permits con-
 35 ditioned upon corrections of construction methods being completed
 36 and implemented.

37 (c) *Before reviewing any application for permit, the secretary*
 38 *shall conduct a background investigation of the applicant. The sec-*
 39 *retary shall consider the financial, technical and management ca-*
 40 *pabilities of the applicant as conditions for issuance of a permit.*
 41 *The secretary may reject the application ~~without~~ prior to conducting*
 42 *an investigation into the merits of the application if the secretary*
 43 *finds that:*

(20) Adopt rules and regulations for the management of non-hazardous special wastes.

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1 (1) The applicant currently holds, or in the past has held, a
2 permit under this section and ~~that~~ while the applicant held a permit
3 under this section the applicant violated a provision of subsection
4 (a) of K.S.A. ~~65-3441~~ 65-3409, and amendments thereto; or

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

7 (3) the applicant failed or continues to fail to comply with any
8 of the provisions of the air, water or waste statutes, including rules
9 and regulations issued thereunder, relating to environmental pro-
10 tection or to the protection of public health in this or any other
11 state or the federal government of the United States, or any condition
12 of any permit or license issued by the secretary; or if the secretary
13 finds that the applicant has shown a lack of ability or intention to
14 comply with any provision of any law referred to in this subsection
15 or any rule and regulation or order or permit issued pursuant to
16 any such law as indicated by past or continuing violations; or

17 (4) the applicant is a corporation and any principal, shareholder,
18 or other person capable of exercising total or partial control of such
19 corporation could be determined ineligible to receive a permit pur-
20 suant to ~~subsections~~ subsection (c)(1), (2) or (3) above.

21 (d) Before reviewing any application for a permit, the secretary
22 may request that the attorney general perform a comprehensive
23 criminal background investigation of the applicant; or in the case
24 of a corporate applicant, any ~~person who holds an interest in or~~
25 ~~exercises~~ total or partial control of the corporation. The secretary
26 may reject the application ~~without~~ prior to conducting an investi-
27 gation into the merits of the application if the secretary finds that
28 serious criminal violations have been committed by the applicant or
29 a principal of the corporation.

principal, shareholder or other
capable of exercising

30 (e) (e) The annual fee fees for a solid waste processing or disposal
31 permit shall be, \$50 and ~~no~~ established by rules and regulations
32 adopted by the secretary. The initial application fee shall not
33 exceed \$10,000. The annual fee shall not exceed \$5,000 fee for
34 the application and original permit shall not exceed \$5,000. The
35 annual permit renewal fee shall not exceed \$2,000. No refund shall
36 be made in case of revocation. All fees shall be deposited in the
37 general fund in the state treasury and credited to the solid waste
38 management fund. A city, county, other political subdivision or
39 state agency shall be exempt from payment of the fee but shall
40 meet all other provisions of this act.

Restore current language.

41 (d) (f) Plans, designs and relevant data for the construction of
42 solid waste processing facilities and disposal sites shall be prepared
43 by a professional engineer licensed to practice in Kansas and shall

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1 be submitted to the department for approval prior to the construc-
2 tion, alteration or operation of such facility or area. In adopting rules
3 and regulations, the secretary may specify sites, areas or facilities
4 where the environmental impact is minimal and may waive such
5 preparation requirements provided that a review of such plans is
6 conducted by a professional engineer licensed to practice in Kansas.

7 (e) (g) Each permit granted by the secretary, as provided in this
8 act, shall be subject to such conditions as the secretary deems nec-
9 essary to protect human health and the environment and to conserve
10 the sites. Such conditions shall include approval by the secretary of
11 the types and quantities of solid waste allowable for processing or
12 disposal at the permitted location.

13 (f) (h) As a condition of granting a permit to operate any proc-
14 essing facility or disposal area for solid waste, the secretary shall
15 require the permittee to provide *a trust fund*, surety bond, cash
16 bond or, a secured trust fund, *irrevocable letter of credit, insurance*
17 *or to meet a financial test established by the secretary for closure*
18 *and post-closure*, and liability insurance, including coverage against
19 *sudden and nonsudden occurrences*, or any combination thereof, in
20 such amount as determined necessary by the secretary to insure the
21 financial responsibility of the permittee for any: (1) *Operational ac-*
22 *tivities contemplated by the act, rules and regulations adopted pur-*
23 *suant thereto, and the permit; and (2) liability incurred in the*
24 *operation of the facility or area and to insure that, upon abandon-*
25 *ment, cessation or interruption of the operation of the facility or*
26 *area, all appropriate measures are taken to prevent present or future*
27 *damage to human health and the environment. Any such liability*
28 *insurance as may be required pursuant to this subsection or pursuant*
29 *to the rules and regulations of the secretary shall be issued by an*
30 *insurance company authorized to do business in Kansas or by a*
31 *licensed insurance agent operating under authority of K.S.A. 40-*
32 *246b, and amendments thereto, and shall be subject to the insurer's*
33 *policy provisions filed with and approved by the commissioner of*
34 *insurance pursuant to K.S.A. 40-216, and amendments thereto, ex-*
35 *cept as authorized by K.S.A. 40-246b, and amendments thereto.*
36 *Nothing contained in this subsection shall be deemed to apply to*
37 *any political subdivision, state agency, state agency or department*
38 *or agency of the federal government or to any independent con-*
39 *tractor operating a solid waste disposal area as a part of an*
40 *approved solid waste management plan for which equivalent*
41 *surety is provided to a political subdivision or federal or state*
42 *agency.*

43 (g) (i) Permits granted by the secretary, as provided in this act:

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1 (1) Shall not be transferable; and (2) shall be revocable or subject
 2 to suspension whenever the secretary shall determine that the solid
 3 waste processing or disposal facility or area is, or has been con-
 4 structed or ~~conducted~~ operated in violation of this act or the rules
 5 and regulations or standards adopted pursuant to the act, or is cre-
 6 ating or threatens to create a hazard to persons or property in the
 7 area or to the environment, or is creating or threatens to create a
 8 public nuisance, or upon the failure to make payment of any fee
 9 required under this act. The secretary also may revoke, suspend or
 10 refuse to issue a permit when the secretary determines that past or
 11 continuing violations of the provisions of ~~paragraph (3) of sub-~~
 12 ~~section (c) of K.S.A. 65-3437~~ subsection (c)(3) of K.S.A 65-3407,
 13 and amendments thereto, have been committed by a permittee, or
 14 ~~any person holding an interest in or exercising partial or total control~~ _____, or any principal, shareholder
 15 over a permittee. _____ capable of

16 (h) (j) In case any permit is denied, suspended or revoked the
 17 person, city, county or other political subdivision or state agency
 18 may request a hearing before the secretary in accordance with K.S.A.
 19 65-3412, and amendments thereto.

20 (i) (k) (1) No permit to construct or operate a solid waste disposal
 21 area shall be issued on or after the effective date of this act if such
 22 area is located within 1/2 mile of a navigable stream used for interstate
 23 commerce or within one mile of an intake point for any public surface
 24 water supply system.

25 (2) Any permit, issued before the effective date of this act, to
 26 construct or operate a solid waste disposal area is hereby declared
 27 void if such area is not yet in operation and is located within 1/2
 28 mile of a navigable stream used for interstate commerce or within
 29 one mile of an intake point for any public surface water supply
 30 system.

31 (3) The provisions of this subsection (i) shall not be construed
 32 to prohibit: (A) Issuance of a permit for lateral expansion onto land
 33 contiguous to a permitted solid waste disposal area in operation on
 34 the effective date of this act; (B) issuance of a permit for a solid
 35 waste disposal area for disposal of a solid waste by-product produced
 36 on-site; or (C) renewal of an existing permit for a solid waste area
 37 in operation on the effective date of this act: _____, (D) activities which are regulated under K.S.A. 65-163
 38 through 65-165, or K.S.A. 65-171d.

39 Sec. 5. K.S.A. 65-3415 is hereby amended to read as follows:
 40 65-3415. (a) The secretary is authorized to assist counties, ~~muni-~~
 41 ~~cipalities and authorities~~ by administering grants to pay up to fifty
 42 percent ~~(50%)~~ 50% of the costs of preparing and revising official _____ or designated cities if so delegated
 43 requirements of this act and the rules, and regulations and standards

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1 adopted pursuant to this act, and for carrying out related studies,
2 surveys, investigations, inquiries, research and analyses.

3 ~~(b) The secretary is authorized to assist counties developing a~~ any county or
4 ~~regional plan by administering grants to pay up to 90% of the costs~~
5 ~~of preparing and revising official plans for solid waste management~~ or metropolitan area
6 ~~systems in accordance with the requirements of this act and the rules~~
7 ~~and regulations and standards adopted pursuant to this act, and for~~
8 ~~carrying out related studies, surveys, investigations, inquiries, re-~~
9 ~~search and analyses.~~

10 ~~(b) (c) All grants shall be made from funds appropriated for~~
11 ~~this purpose by the legislature in accordance with appropriations~~
12 ~~acts from moneys in the solid waste management fund created by~~ the state general fund or from
13 ~~section 7.~~

14 Sec. 6. K.S.A. 1991 Supp. 65-3419 is hereby amended to read
15 as follows: 65-3419. (a) Any person who violates any provision of
16 subsection (a) of K.S.A. 65-3409, and amendments thereto, shall
17 incur, in addition to any other penalty provided by law, a civil
18 penalty in an amount of up to \$500 \$5,000 for every such violation
19 and, in the case of a continuing violation, every day such violation
20 continues shall be deemed a separate violation.

21 (b) The director of the division of environment, upon a finding
22 that a person has violated any provision of subsection (a) of K.S.A.
23 65-3409, and amendments thereto, may impose a penalty within the
24 limits provided in this section, which penalty shall constitute an
25 actual and substantial economic deterrent to the violation for which
26 it is assessed.

27 (c) No penalty shall be imposed pursuant to this section except
28 upon the written order of the director of the division of environment
29 to the person who committed the violation. Such order shall state
30 the violation, the penalty to be imposed and the right of such person
31 to appeal to a hearing before the secretary of health and environment.
32 Any such person may, within 15 days after service of the order,
33 make written request to the secretary for a hearing thereon. ~~The~~
34 ~~secretary shall hear such person within 30 days after receipt~~
35 ~~of such request.~~ Hearings under this subsection shall be conducted
36 in accordance with the provisions of the Kansas administrative pro-
37 cedure act.

38 (d) Any action of the secretary pursuant to subsection (c) is sub-
39 ject to review in accordance with the act for judicial review and civil
40 enforcement of agency actions.

41 (e) Notwithstanding any other provision of this act, the secretary,
42 upon receipt of information that the storage, transportation, *proc-*
43 *essing*, treatment, or disposal of any waste may present an imminent



Explanation

The cost of developing plans for metropolitan areas may be more expensive than in other areas. For example, Johnson County has 18 cities plus 2 parts of other cities. The four largest counties of Johnson, Sedgwick, Shawnee and Wyandotte have 43.7% of the state's population. Whether the secretary grants up to 50% or 90% for metropolitan plans would be discretionary.

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1 and a substantial hazard to the health of persons or to the envi-
2 ronment or for a threatened or actual violation of this act or rules
3 and regulations adopted pursuant thereto, or any orders issued pur-
4 suant thereto, or any permit conditions required thereby, may take
5 such action as the secretary determines to be necessary to protect
6 the health of such persons or the environment. The action the sec-
7 retary may take shall include, but not be limited to:

8 (1) Issuing an order directing the *owner, generator, transporter*
9 *or the operator of the processing, treatment or disposal facility or*
10 *site, or the custodian of the waste, which constitutes such hazard*
11 *or threatened or actual violation, to take such steps as are necessary*
12 *to prevent the act or eliminate the practice which constitutes such*
13 *hazard. Such action may include, with respect to a facility or site,*
14 *permanent or temporary cessation of operation.*

15 (2) Requesting that the attorney general or appropriate dis-
16 trict attorney commence an action enjoining such acts or prac-
17 tices. Upon showing by the department that a person has
18 engaged in such acts or practices, a permanent or temporary
19 injunction, restraining order, or other order may be granted by
20 any court of competent jurisdiction.

21 (2) Commencing an action to enjoin acts or practices specified
22 in paragraph (1) or requesting that the attorney general or appro-
23 priate district or county attorney commence an action to enjoin those
24 acts or practices or threatened acts or practices. Upon a showing
25 by the secretary that a person has engaged in those acts or practices
26 or intends to engage in those acts or practices, a permanent or
27 temporary injunction, restraining order or other order may be
28 granted by any court of competent jurisdiction. An action for in-
29 junction under this paragraph (2) shall have precedence over other
30 cases in respect to order of trial.

31 (3) Applying to the district court in the county in which an order
32 of the secretary under paragraph (1) will take effect, in whole or
33 in part, for an order of that court directing compliance with the
34 order of the secretary. Failure to obey the court order shall be
35 punishable as contempt of the court issuing the order. The appli-
36 cation under this paragraph (3) for a court order shall have prec-
37 edence over other cases in respect to order of trial.

38 (f) In any civil action brought pursuant to this section in which
39 a temporary restraining order, preliminary injunction or permanent
40 injunction is sought, it shall not be necessary to allege or prove at
41 any stage of the proceeding that irreparable damage will occur should
42 the temporary restraining order, preliminary injunction or permanent
43 injunction not be issued or that the remedy at law is inadequate,

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1 and the temporary restraining order, preliminary injunction or per-
2 manent injunction shall issue without such allegations and without
3 such proof.

4 New Sec. 7. (a) There is hereby created in the state treasury
5 the solid waste management fund.

6 (b) The secretary shall remit at least monthly to the state treas-
7 urer all moneys collected or received by the secretary from the
8 following sources:

9 (1) Solid waste tonnage fees imposed pursuant to section 8;

10 (2) application fees provided for by K.S.A. 65-3407, and amend-
11 ments thereto; _____ and annual

12 (3) gifts, grants, reimbursements or appropriations intended to
13 be used for the purposes of the fund, but excluding federal grants
14 and cooperative agreements; and

15 (4) any other moneys provided by law.

16 Upon receipt thereof, the state treasurer shall deposit in the state
17 treasury any amount remitted pursuant to this subsection and shall
18 credit the entire amount to the solid waste management fund.

19 (c) Moneys in the solid waste management fund shall be ex-
20 pended for the following purposes:

21 (1) Grants to counties or groups of counties, pursuant to K.S.A. _____ or designated city or designated cities
22 65-3415, and amendments thereto;

23 (2) monitoring and investigating solid waste management plans
24 of counties and groups of counties;

25 (3) payment of extraordinary costs related to monitoring permit-
26 ted solid waste processing facilities and disposal areas, both during
27 operation and after closure;

28 (4) payment of costs of postclosure cleanup of permitted solid
29 waste disposal areas which, as a result of a postclosure occurrence,
30 pose a substantial hazard to public health or safety or to the
31 environment;

32 (5) emergency payment for costs of cleanup of solid waste disposal
33 areas which were closed before the effective date of this act and
34 which pose a substantial risk to the public health or safety or to the
35 environment, but the total amount of such emergency payments
36 during a fiscal year shall not exceed an amount equal to 50% of all
37 amounts credited to the fund during the preceding fiscal year;

38 (6) to permit the secretary to take whatever emergency action is
39 necessary or appropriate to assure that the public health or safety
40 is not threatened whenever there is a release from a solid waste
41 processing facility or a solid waste disposal area;

42 (7) to permit the secretary to take corrective action where the
43 release presents actual or potential threat to human health or the

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1 environment, if the owner or operator has not been identified or is
2 nable or unwilling to perform corrective action;

3 (8) payment of the administrative, technical and legal costs in-
4 curred by the secretary in carrying out the provisions of K.S.A. 65-
5 3401 through 65-3423, and amendments thereto, including the cost
6 of any additional employees or increased general operating costs of
7 the department attributable therefor; and

8 (9) ~~payment of costs for market development established un-~~
9 ~~der cooperative agreements with the secretary of commerce~~
10 ~~development of educational materials and programs for informing~~
11 ~~the public about solid waste issues.~~

12 (d) If the secretary determines that expenditures from the solid
13 waste management fund are necessary, the person or persons re-
14 sponsible for the operation or long-term care of a disposal area whose
15 failure to comply with this act, rules and regulations promulgated
16 thereunder, or permit conditions resulted in such determination,
17 shall be responsible for the repayment of those amounts expended.
18 The secretary shall take appropriate action to enforce this provision
19 against any responsible person. The secretary shall remit to the state
20 treasurer any amounts recovered and collected in such action. The
21 state treasurer shall deposit all such amounts in the state treasury
22 and credit the same to the solid waste management fund.

23 (e) Expenditures from the solid waste management fund shall be
24 made in accordance with appropriations acts upon warrants of the
25 director of accounts and reports issued pursuant to vouchers ap-
26 proved by the secretary or a person designated by the secretary.

27 (f) On or before the 10th day of the month following the month
28 in which moneys are first credited to the solid waste management
29 fund, and monthly thereafter on or before the 10th day of the month,
30 the director of accounts and reports shall transfer from the state
31 general fund to the solid waste management fund the amount of
32 money certified by the pooled money investment board in accordance
33 with this subsection. Prior to the 10th day of the month following
34 the month in which moneys are first credited to the solid waste
35 management fund, and monthly thereafter prior to the 10th day of
36 the month, the pooled money investment board shall certify to the
37 director of accounts and reports the amount of money equal to the
38 proportionate amount of all the interest credited to the state general
39 fund for the preceding month, pursuant to K.S.A. 75-4210a, and
40 amendments thereto, that is attributable to moneys in the solid waste
41 management fund. Such amount of money shall be determined by
42 the pooled money investment board based on: (1) The average daily
balance of moneys in the solid waste management fund during the

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1 preceding month as certified to the board by the director of accounts
2 and reports; and (2) the average interest rate on time deposit, open
3 accounts for that period as determined under K.S.A. 75-4212, and
4 amendments thereto. On or before the fifth day of the month fol-
5 lowing the month in which moneys are first credited to the solid
6 waste management fund, and monthly thereafter on or before the
7 fifth day of the month, the director of accounts and reports shall
8 certify to the pooled money investment board the average daily
9 balance of moneys in the solid waste management fund during the
10 preceding month.

11 (g) The solid waste management fund shall be used for the pur-
12 poses set forth in this act and for no other governmental purposes.
13 It is the intent of the legislature that the fund shall remain intact
14 and inviolate for the purposes set forth in this act, and moneys in
15 the fund shall not be subject to the provisions of K.S.A. 75-3722,
16 75-3725a and 75-3726a, and amendments thereto.

17 New Section 8. (a) ~~The secretary of health and environment~~
18 ~~shall establish by rules and regulations a state solid waste ton-~~
19 ~~nage fee to be imposed There is hereby imposed a state solid~~
20 ~~waste tonnage fee of \$1.50 for each ton or equivalent volume of~~
21 ~~solid waste disposed of at any solid waste disposal area in this state~~
22 ~~on or after January 1, 1993. No fee established pursuant to this~~
23 ~~section shall exceed \$5 per ton or equivalent volume. The fee~~
24 ~~may be adjusted annually.~~

25 (b) The operator of a solid waste disposal area shall pay the fee
26 imposed by this section.

27 (c) The secretary of health and environment shall administer,
28 enforce and collect the fee imposed by this section. Except as oth-
29 erwise provided by subsection (b), all laws and rules and regulations
30 of the secretary of revenue relating to the administration, enforce-
31 ment and collection of the retailers' sales tax shall apply to such fee
32 insofar as they can be made applicable, and the secretary of health
33 and environment shall adopt such additional rules and regulations
34 as necessary for the efficient and effective administration, enforce-
35 ment and collection thereof.

36 (d) The secretary of health and environment shall remit daily to
37 the state treasurer all moneys collected from fees imposed pursuant
38 to this section [subsection (a)]. Upon receipt thereof, the state
39 treasurer shall deposit the entire amount in the state treasury and
40 credit it to the solid waste management fund created by section 7.

41 (e) ~~An additional fee~~ [Each county in this state shall impose,
42 in addition to the fee provided for by subsection (a), a solid waste
43 tonnage fee of \$25 for each ton or equivalent volume of solid waste,

Explanation

Until the need is proven, the League of Kansas Municipalities proposes a \$1.00 per ton fee. The KDHE staff estimate that a \$1.50 per ton fee, would raise about \$3.7 million. The League proposed \$1.00 fee would raise about \$2.5 million (66.7% of 3.7). The issue is whether we need to spend \$945,500 for 16 FTE positions, \$1,541,000 for planning grants, and \$1,213,500 for remedial programs, and to levy fees to raise this much. Meeting the new federal requirements will be burdensome enough without paying state fees.

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This provision shall not apply to any solid waste by-product produced and disposed in or at a permitted solid waste disposal area located on the site of generation.

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1 generated outside this state and disposed of at any solid waste
 2 disposal area located in such county. Such fee shall be collected by
 3 the county and deposited in a special fund in the county treasury,
 4 to be used only for costs of closure and postclosure cleanup of solid
 5 waste disposal areas in the county.

6 [(f) In addition to the fees provided for by subsections (a) and
 7 (e), a fee] may be imposed by a group of counties engaged in regional
 8 solid waste management on solid waste generated outside the bound-
 9 aries of the region. The funds raised may be used to implement the
 10 regional solid waste plan. If imposed, this fee must be assessed on
 11 all solid waste entering that is generated outside the boundaries
 12 of the region and enters the regional solid waste facility. This fee
 13 will be collected by the county in which the regional solid waste
 14 facility is located.

15 (f) The fee [fees] imposed by this section shall be in addition to
 16 any other fees or tax imposed for solid waste disposal at a solid
 17 waste disposal area.

18 [Sec. 9. If any provision of this act or its application to any
 19 person or circumstance is held invalid, the remainder of the act
 20 or the application of the provision to other persons or circumstances
 21 is not affected.]

22 Sec. 9 ~~[10]~~. K.S.A. 65-3402, 65-3405, 65-3406 and 65-3415 and [11].
 23 K.S.A. 1991 Supp. 65-3407 and 65-3419 are hereby repealed.

24 Sec. 10 ~~[11]~~. [This act shall take effect and be in force from and [12].
 25 after its publication in the statute book.]

New "Section 10. (a) Any county operating a solid waste disposal site, or group of counties jointly operating such a disposal site, may levy a special charge on solid waste generated outside such county or counties and deposited in such site, which may be higher than charges levied on solid waste generated within the county or counties. The revenue from such charges may be used by such county or group of counties for the development and implementation of its solid waste management plan.

(b) Any county, or group of counties operating jointly, may levy charges on solid waste generated within its jurisdiction that is deposited in privately-owned disposal sites located within or outside its jurisdiction. The revenue from such charges may be used by such county or counties to finance the development and implementation of its solid waste management plan.

(c) Any charges imposed by counties under this section shall be in addition to any other fees, charges, franchise payments or taxes imposed for solid waste disposal at a waste disposal area. The secretary of health and environment shall make available to counties information as to the amounts paid by the operators of solid waste disposal areas under the provisions of section 8 of this act.

or without

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