

Approved: Carl Dean Holmes 3-15-95
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes on February 13, 1995 in Room 313-S of the Capitol.

All members were present except: Representative Freeborn - Excused
Representative Kline - Excused
Representative Lawrence - Excused

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Mary Torrence, Revisor of Statutes
Shirley Wilds, Committee Secretary

Conferees appearing before the committee: Tom Day - KS Corporation Commission
Dennis Grams - Region #7, Environmental Protection Agency
Karl Mueldener - Dept of Health and Environment

Others attending: See attached list

Chairperson Holmes opened the meeting inquiring of any further bill requests, to which Tom Day of the Kansas Corporation Commission responded.

Tom Day. Mr. Day requested the introduction of three bills on behalf of the Kansas Corporation Commission.

Representative Sloan moved to introduce the following bills:

- Amend statutes in Chapter 55, for collection of penalties for noncompliance, and add the term attorneys' fees into Chapter 55 where required;
- Amend six statutes in Chapter 12 regarding the removal of the KCC in flood protection and water works plans and improvements by municipalities;
- Repeal KSA 66-151 relating to the KCC to give out free orders, copies of rates, regulations and certified copy as evidence of same.

Representative Empson seconded. Motion carried.

Chairperson Holmes announced that upon the conclusion of today's briefing the Committee will work **HB 2036**. The Chair then introduced special guest and conferee Dennis Grams, Regional Administrator, Region #7, Environmental Protection Agency, Kansas City Office.

Dennis Grams. Mr. Grams discussed with the Committee the Safe Drinking Water Act and Clean Water Act, explaining the situation if these Acts should be turned back to the federal government. He said it is timely to discuss these issues at the present time, given all the changes taking place in the EPA.

Kansas started into the Clean Water Act program in June 1974 and since that time funding and resources have been fairly constant in the state of Kansas. The Clean Water Act is administered through Section 106 for water pollution, and it is not contingent upon whether the State has delegated the program; the money is given to the State to use for regulation of water pollution. If the State of Kansas was to give EPA the program back, there would be some funding mechanism for that use. However, the State has statutes to provide fees for its program, thereby presently having more resources available to deal with the Clean Water Act and pollution issues. In essence, Mr. Grams said basically what would develop is that federal dollars would be used to try to carry on an enforcement program in the state of Kansas for clean water. The federal EPA would not have as many resources as the state does (due to internal generated resources) and there would most likely be a

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more detached program with EPA being less flexible with an inability to be site-specific on a case-by-base basis as is presently done within the State.

Mr. Grams said flexibility, innovation and common sense are projected goals for the EPA, but without the equivalent resources (to match those the state has), they will still have to focus less on technical assistance deferring instead to monitoring, verifying compliance and simply becoming the "enforcer" to the process. Mr. Grams maintains this would not meet the desirable program necessities to administer the Clean Water Act.

A similar position exists with the Safe Drinking Water Act, according to Mr. Grams. Kansas entered into this program in 1978; in the late 1980's there were some funding problems that developed, but the Fee Program was passed in 1992 helping to supplement the program. At the present time, he said Kansas has a very good quality program existing with the Safe Drinking Water Act. The federal funding is approximately \$700 thousand with additional funding from the State. Again, if the EPA was involved the resources would not be the same as is now in the program. Mr. Grams said one major concern that would probably occur if the EPA had the program is the Waiver program, for which small communities can get a waiver if they do not use certain chemicals. This program eliminates the need for unnecessary monitoring and analysis, resulting in a savings of approximately \$2 million a year for the State. If this were under the EPA, resources would not be available to do the chemical sorting process (on a case-by-case, site-specific basis), and would primarily be an "across-the-board, one size fits all" approach to this process, creating an unfavorable financial impact on the state. In addition, there are individual water supply sanitary surveys done by KDHE. Mr. Grams believes this would run about \$200 thousand a year, because if EPA did the program there is no way they would have the resources to do these surveys and assist the local drinking water operators. There would be a financial burden to the local communities if EPA had the Safe Drinking Water program.

In conclusion, Mr. Grams said that based on his eight years experience with the state of Nebraska, 12 years with local health departments, and one year with the EPA, he suggests that the State should not be desirous of having the program transferred back to the EPA. Keeping the program with the State allows more flexibility to meet the criteria of the diverse scenarios that exist in the various communities over a period of time.

Committee members utilized their time well with Mr. Grams, exchanging dialogue on various and sundry issues dealing with both the Safe Drinking Water Act and Clean Water Act. Mr. Grams expressed his appreciation to appear before the Committee, and said he would be available for future meetings and invited members to contact him with any questions they may have on these issues.

Karl Mueldener. Mr. Mueldener presented an in-depth review, with the aid of visuals, on various facets of the State Revolving Loan Program administered through the Department of Health and Environment. He stated the purpose of the fund is to assist municipalities through low interest loans and reviewed several of those programs.

Mr. Mueldener elaborated on those programs and the purpose of each follows:

- Construction Grants. Assist municipalities in construction of wastewater systems
- Municipal Wastewater Control. Protect water quality by assuring municipal wastewater systems meet minimum standards of design and discharge quality
- Industrial Wastewater Discharges. Protect water quality by regulation of wastewater control systems at industrial facilities
- Industrial Pretreatment. Protect water quality and municipal wastewater treatment systems from adverse impacts from industrial discharges
- Livestock Waste Control. Protect water quality by regulating confined livestock feeding
- Underground Injection Control. Prevent pollution from injection of wastewater to deep geological formations
- Underground injection Control. Toxic release ranking - Vulcan significant reductions achieved through waste minimization and pollution prevention
- Liquefied Petroleum Gas Storage. Prevent pollution from underground storage of liquified petroleum gas
- Liquefied Petroleum Gas Storage. Brine storage, spillage and resulting contamination. Replacement of liners be initiated

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- Water Wells. Protect groundwater quality, public health and, provide data on water wells
- Non-Point Source. Prevent water pollution from sources through integrated efforts of private sector, federal, state, and local government
- Local Environmental Grants. Assist local government in development of programs to address environmental problems
- Wellhead Protection Plan. Protect groundwater quality near public water supply wells. Provide State guidance
- Public Water Supply - Plan Review. Protection of public health through assurance of adequate water meeting state and federal standards. Assure source, plant and distribution meet minimum standards
- Office of Science and Support. Water quality monitoring, assessment and scientific support
- Bureau of District Operations. Field activities to implement programs, i.e. inspections, technical assistance, emergency response, community outreach

He said a brief breakdown of dollars for their projects is 75% federal and 25% state funds. The Bureau does not have the "big fee" funds, such as tipping fees, tanks, tires, etc., and the only fee that applies in Kansas is the Public Water Supply fee which raises \$231,000. Those particular funds apply to the Public Water Supply program to do monitoring for lead, copper, synthetic and organic substances.

Mr. Mueldener clarified that the loan program replaced the grant program, however, there are still some grant projects remaining and will be phased out over the next two years. There has been over \$500 million in grants to Kansas municipalities through the program, with most administrative details done through the Department of Health and Environment.

Mr. Mueldener will furnish the Committee with printed materials of the visuals he used for his presentation. (Included in the materials will indicate the authority, universe, staff, and funding for each of those programs listed above.)

It was explained to the Committee that the Clean Water Act allows the states to adopt so-called water quality standards, which do two things that are state regulations: 1) Define an intended use for the stream (fishing, irrigation, recreation, etc.); 2) For that defined use determine what quality of water is desired for that stream. The federal law also requires that they be reviewed and modified as appropriate every three years. Last fall, water quality regulations were adopted by the State; prior to that time regulations were adopted in 1987 (more than three years ago), leaving them tardy with their reviews. The newly-adopted regulations were submitted to the EPA. The Bureau of Water recently received a communique from them indicating they were postponing a decision of an approval or disapproval, awaiting the results of a possible suit settlement the EPA is involved in regarding toxics criteria. Now that the rules and regulations are pending on the Clean Water Act before the EPA, Mr. Mueldener said the next set of revisions of water quality standards has to begin immediately. Meetings are being scheduled now around the state to receive relevant input into the process. The first meeting will be February 24. He anticipates the Department will devote approximately a year to receive information from interested Kansans.

Mr. Mueldener said the EPA offered advice on how the state standards were written, but Mr. Mueldener said that the state was very comfortable with the standards they had put together. When this process was first begun, the projected cost was over \$300 million and the rules and regulations that were approved by the Department was approximately \$63 million for ammonia toxicities removal upgrades. Although he did not have the exact figures, he said the cost would be substantial if the EPA should earmark the metals reviews to the state. Chairperson Holmes announced that the hearing is scheduled tomorrow on the Clean Water Act and Safe Drinking Water Act. He then opened the meeting to Committee action.

Action HB 2036:

Representative Freeborn gave an overview to the Committee on the work done by the Subcommittee on **HB 2036**. She reported that this bill was scrutinized closely due to the list of mandates. She deferred to Staff to explain the bill and balloon.

Representative Freeborn made a motion to adopt the balloon to **HB 2036**. Representative Lawrence seconded. Motion carried. (See Attachment #1.)

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Representative Lawrence made a motion to amend **HB 2036** to reduce the tipping fee from \$1.50 to \$1.00 a ton, effective July 1, 1995. Representative Lloyd seconded. Motion failed.

Representative Lawrence moved to amend **HB 2036**, Page 2, line 14, a county, city, *regional entity or private entity*; and strike language on lines 17 through 21, beginning with the words "A private." Representative McKinney seconded. Motion carried.

Representative McKinney made a motion to pass **HB 2036** favorably as amended. Representative Freeborn seconded. Motion withdrawn.

Representative Lloyd moved to strike language on Page 3, lines 8 and 9, ~~receipt of planning grant funds.~~ Representative Freeborn seconded. Motion carried.

Representative McKinney moved to pass **HB 2036** favorably, as amended. Representative Freeborn seconded. Motion carried.

There being no further business to come before the Committee, the meeting adjourned at 6:15 p.m.

The next meeting is scheduled for February 14, 1995.

ENERGY AND NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: February 13, 1995

NAME	REPRESENTING
JOE DICK	BPU KCK
DON GRAY	BPU KCK
Bill Anderson	Water DIST #1 of Jo Co
R. F. Polton	Ks River Water Assurance Dist
Dennis Schwartz	Ks Rural Water Assoc
Larry D Shannon	Topeka, KSAWWA
Dr Roger Carlson	KDHE - Laboratory
Alan Holmes	Division of Budget
KAREN FRANCE	Ks Assoc of REKTORS
Zvonae Anderson	KDWE
Darrel Plummer	KDHE
<i>Sam N. Nizil</i>	
PHILIP HORLEY	PATRICK J. HORLEY & CO.
CLAYD S. SHELDR	VBP, Inc.
Michelle Peterson	Ks Governmental Consulting
RICHARD WOREKENDNE	NORTH AMERICAN SALT CO
Dak Lambley	Ks. Dept. of Ag.
GREG FOLEY	Ks. Cons. COMMISSION
Tom Stiles	Ks Water Office

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ENERGY AND NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: February 13, 1995

NAME	REPRESENTING
<i>George Barber</i>	<i>Ks Consulting Engr's</i>
<i>Edward L. Mous</i>	<i>Ks Aggregate Products Assoc</i>
<i>Gale Totten</i>	<i>Ks Contractors Association</i>
<i>Bill Bider</i>	<i>KDHE</i>
<i>Bell Henry</i>	<i>Ks Engineering Society</i>

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HOUSE BILL No. 2036

Subcommittee Report (Corrected)

By Committee on Energy and Natural Resources

1-10

9 AN ACT concerning waste management; relating to certain grants and
10 other programs to assist cities, counties and regional solid waste man-
11 agement entities; amending K.S.A. 65-3415 and 65-3460 and K.S.A.
12 1994 Supp. 65-3415a and repealing the existing sections.

concerning certain solid waste tonnage fees; limiting certain
full-time equivalent positions,

13
14 *Be it enacted by the Legislature of the State of Kansas:*

and 65-3415b

15 Section 1. K.S.A. 65-3415 is hereby amended to read as follows: 65-
16 3415. (a) The secretary is authorized to assist counties ~~or~~ designated cities
17 by administering grants to pay up to ~~50%~~ of the costs of preparing and
18 revising official plans for solid waste management systems in accordance
19 with the requirements of this act and the rules and regulations and stan-
20 dards adopted pursuant to this act, and for carrying out related studies,
21 surveys, investigations, inquiries, research and analyses.

or regional solid management entities

60%

22 ~~[(b) The secretary is authorized to assist counties developing a regional
23 plan by administering grants to pay up to 90% 75% of the costs of pre-
24 paring and revising official plans for solid waste management systems in
25 accordance with the requirements of this act and the rules and regulations
26 and standards adopted pursuant to this act, and for carrying out related
27 studies, surveys, investigations, inquiries, research and analyses.~~

(b)

28 ~~(c)~~ The secretary is authorized to develop and administer a base grant
29 program to assist counties, designated cities or regional solid waste man-
30 agement entities that are part of an interlocal agreement entered into
31 pursuant to K.S.A. 12-2901 et seq. and amendments thereto or other ap-
32 plicable statutes. Projects eligible for funding under the base grant pro-
33 gram include:

- (5) local or regional household hazardous waste collection programs;
- (6) closure and postclosure monitoring of old solid waste disposal areas;
- (7) construction of solid waste management areas and solid waste transfer stations;

- 34 (1) Public education and training;
- 35 (2) solid waste management planning expenses;
- 36 (3) worker training;
- 37 (4) local or regional solid waste reduction, reuse and recycling pro-
38 jects ~~identified for implementation in an approved solid waste manage-
39 ment plan~~;

(8)

- 40 ~~(5) salaries for personnel conducting eligible base grant activities;~~
- 41 ~~(6) consulting services for eligible base grant activities; and~~
- 42 ~~(7) capital and equipment purchases for eligible base grant activities.~~

(9)

43 If a grantee is an individual county or designated city, the grant may

(10)

Energy's Natural Resources
2/13/95
Attachment # 1

1 pay up to 75% of eligible project costs incurred in a fiscal year. If a grantee
 2 is a regional entity, the grant may pay up to 90% of eligible project costs
 3 incurred in the fiscal year beginning July 1, 1995, and up to 75% of eligible
 4 project costs incurred in a subsequent fiscal year. The remainder of eli-
 5 gible project costs shall be contributed by the county, designated city or
 6 regional entity in either in-kind or monetary form. Eligible project costs
 7 incurred in the fiscal year beginning July 1, 1994, may be paid from grants
 8 made in the fiscal year beginning July 1, 1995.

60%

75%

60%

(c)

9 (d) The secretary is authorized to assist counties, designated cities,
 10 municipalities or regional solid waste management entities that are part
 11 of an interlocal agreement entered into pursuant to K.S.A. 12-2901 et seq.
 12 and amendments thereto or other applicable statutes, by administering
 13 competitive grants that pay up to 75% of eligible costs incurred by such
 14 a county, city or ~~entity~~ to implement those aspects of approved solid waste
 15 management plans related to the development and operation of recycling,
 16 source reduction, waste minimization and solid waste management public
 17 education programs. A private entity may also be eligible to receive such
 18 a competitive grant, but only if the entity's activity or service is included
 19 in the approved solid waste management plan and the entity has received
 20 approval from the county or designated city in which the activity or serv-
 21 ice occurs.

regional

or private entity

(d)

22 (e) The secretary is authorized to assist counties, cities or regional
 23 solid waste management entities that are part of an interlocal agreement
 24 entered into pursuant to K.S.A. 12-2901 et seq. and amendments thereto
 25 or other applicable statutes, by administering grants that pay up to 75%
 26 of costs incurred by such a county, city or regional entity for the devel-
 27 opment and first year of operation of temporary and permanent house-
 28 hold hazardous waste programs operated in accordance with K.S.A. 65-
 29 3460 and amendments thereto.

60%

(e)

30 (f) The secretary is authorized to assist counties, cities or regional
 31 solid waste management entities that are part of an interlocal agreement
 32 entered into pursuant to K.S.A. 12-2901 et seq. and amendments thereto
 33 or other applicable statutes, by administering grants that pay up to 100%
 34 of costs incurred by such a county, city or regional entity to develop and
 35 implement temporary ~~or permanent~~ agricultural pesticide collection pro-
 36 grams.

75%

75%

regional

37 (g) The secretary is authorized to assist counties, cities or regional
 38 solid waste management entities that are part of an interlocal agreement
 39 entered into pursuant to K.S.A. 12-2901 et seq. and amendments thereto
 40 or other applicable statutes, by administering grants that pay up to 100%
 41 of costs incurred by such a county, city or ~~entity~~ to develop and implement
 42 small quantity hazardous waste generator waste collection pro-
 43 grams.

subject to the following

- (1) The aggregate amount of all such grants made for a fiscal year shall not exceed \$150,000; and
- (2) no grantee shall receive any such grants in an aggregate amount exceeding \$50,000

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1 ~~[(h)] To be eligible for base grants awarded pursuant to this section,~~ (g)
 2 ~~the counties, cities or regional solid waste management entities must be~~
 3 ~~participating in a solid waste management planning process or imple-~~
 4 ~~menting an approved solid waste management plan. To be eligible for~~
 5 ~~competitive grants awarded pursuant to this section, the counties, cities~~ an approved
 6 ~~or regional solid waste management entities must be implementing a solid~~
 7 ~~waste management plan. Indications of planning process participation~~
 8 ~~include the formation of a county or regional planning committee, receipt~~
 9 ~~of planning grant funds, regular solid waste planning committee meetings,~~
 10 ~~amendment of existing solid waste management plans and development~~
 11 ~~of new comprehensive solid waste management plans. Failure to pay solid~~
 12 ~~waste tonnage fees on wastes disposed in Kansas pursuant to K.S.A. 65-~~
 13 ~~3415b and amendments thereto, shall bar receipt of any grant funds until~~
 14 ~~fees and related penalties have been paid. The secretary may establish~~
 15 ~~additional minimum requirements for grant eligibility.~~

(h) The secretary shall prepare and deliver to the legislature on or before January 2, 1998, a report which summarizes all solid waste management grant program activities, solid waste management fund revenues and recommendations regarding continuation of solid waste management programs.

16 (i) All grants shall be made in accordance with appropriations acts
 17 from the state general fund or from moneys in the solid waste manage-
 18 ment fund created by K.S.A. 65-3415a and amendments thereto.

19 Sec. 2. K.S.A. 1994 Supp. 65-3415a is hereby amended to read as
 20 follows: 65-3415a. (a) There is hereby created in the state treasury the
 21 solid waste management fund.

22 (b) The secretary shall remit at least monthly to the state treasurer
 23 all moneys collected or received by the secretary from the following
 24 sources:

- 25 (1) Solid waste tonnage fees imposed pursuant to K.S.A. 65-3415b,
- 26 and amendments thereto;
- 27 (2) application and annual fees provided for by K.S.A. 65-3407, and
- 28 amendments thereto;
- 29 (3) gifts, grants, reimbursements or appropriations intended to be
- 30 used for the purposes of the fund, but excluding federal grants and co-
- 31 operative agreements; and
- 32 (4) any other moneys provided by law.

33 Upon receipt thereof, the state treasurer shall deposit in the state treas-
 34 ury any amount remitted pursuant to this subsection and shall credit the
 35 entire amount to the solid waste management fund.

36 (c) Moneys in the solid waste management fund shall be expended
 37 for the following purposes:

- 38 (1) Grants to counties or groups of counties or designated city or
- 39 cities pursuant to K.S.A. 65-3415, and amendments thereto, but the total
- 40 amount of expenditures from the fund for grants pursuant to subsection
- 41 (c) of K.S.A. 65-3415 and amendments thereto shall not exceed an amount
- 42 equal to: (A) For the fiscal year beginning July 1, 1995, 30% of all amounts
- 43 credited to the fund during the preceding fiscal year; and (B) for any

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1 *subsequent fiscal year, 20% of all amounts credited to the fund during*
 2 *the preceding fiscal year;*

3 (2) *monitoring and investigating solid waste management plans of*
 4 *counties and groups of counties;*

5 (3) *payment of extraordinary costs related to monitoring permitted*
 6 *solid waste processing facilities and disposal areas, both during operation*
 7 *and after closure;*

8 (4) *payment of costs of postclosure cleanup of permitted solid waste*
 9 *disposal areas which, as a result of a postclosure occurrence, pose a sub-*
 10 *stantial hazard to public health or safety or to the environment;*

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

17 (6) ~~*to permit the secretary to take whatever payment for*~~ *emergency*
 18 *action is by the secretary as necessary or appropriate to assure that the*
 19 *public health or safety is not threatened whenever there is a release from*
 20 *a solid waste processing facility or a solid waste disposal area;*

21 (7) ~~*to permit the secretary to take payment for*~~ *corrective action by*
 22 *the secretary where the release presents actual or potential threat to hu-*
 23 *man health or the environment, if the owner or operator has not been*
 24 *identified or is unable or unwilling to perform corrective action;*

25 (8) *payment of the administrative, technical and legal costs incurred*
 26 *by the secretary in carrying out the provisions of K.S.A. 65-3401 through*
 27 *65-3423, and amendments thereto, including the cost of any additional*
 28 *employees or increased general operating costs of the department attrib-*
 29 *utable therefor; and*

30 (9) *development of educational materials and programs for informing*
 31 *the public about solid waste issues;*

32 (10) *direct payments to reimburse counties or cities for household,*
 33 *farmer or exempt small quantity generator hazardous wastes generated*
 34 *from persons not served by existing household hazardous waste programs*
 35 *or direct payment of contractors for the disposal costs of such wastes; and*

36 ~~*(11) direct payments for the development and implementation of*~~
 37 ~~*source reduction and waste minimization programs, including a joint pro-*~~
 38 ~~*gram with the secretary of commerce and housing which shall include*~~
 39 ~~*activities to develop markets for recyclable materials, public education*~~
 40 ~~*programs to increase composting and recycling activities and development*~~
 41 ~~*and maintenance of an information clearinghouse to provide interested*~~
 42 ~~*persons with current information on recycling programs, technologies and*~~

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1 ~~[(12)]~~ *payment of costs associated with the solid waste grants advisory*
2 *board pursuant to section 3.*

3 (d) If the secretary determines that expenditures from the solid waste
4 management fund are necessary, the person or persons responsible for
5 the operation or long-term care of a disposal area whose failure to comply
6 with this act, rules and regulations promulgated thereunder, or permit
7 conditions resulted in such determination, shall be responsible for the
8 repayment of those amounts expended. The secretary shall take appro-
9 priate action to enforce this provision against any responsible person. The
10 secretary shall remit to the state treasurer any amounts recovered and
11 collected in such action. The state treasurer shall deposit all such amounts
12 in the state treasury and credit the same to the solid waste management
13 fund.

14 (e) Expenditures from the solid waste management fund shall be
15 made in accordance with appropriations acts upon warrants of the direc-
16 tor of accounts and reports issued pursuant to vouchers approved by the
17 secretary or a person designated by the secretary.

18 (f) On or before the 10th day of the month following the month in
19 which moneys are first credited to the solid waste management fund, and
20 monthly thereafter on or before the 10th day of the month, the director
21 of accounts and reports shall transfer from the state general fund to the
22 solid waste management fund the amount of money certified by the
23 pooled money investment board in accordance with this subsection. Prior
24 to the 10th day of the month following the month in which moneys are
25 first credited to the solid waste management fund, and monthly thereafter
26 prior to the 10th day of the month, the pooled money investment board
27 shall certify to the director of accounts and reports the amount of money
28 equal to the proportionate amount of all the interest credited to the state
29 general fund for the preceding month, pursuant to K.S.A. 75-4210a, and
30 amendments thereto, that is attributable to moneys in the solid waste
31 management fund. Such amount of money shall be determined by the
32 pooled money investment board based on: (1) The average daily balance
33 of moneys in the solid waste management fund during the preceding
34 month as certified to the board by the director of accounts and reports;
35 and (2) the average interest rate on repurchase agreements of less than
36 30 days' duration entered into by the pooled money investment board for
37 that period of time. On or before the fifth day of the month following the
38 month in which moneys are first credited to the solid waste management
39 fund, and monthly thereafter on or before the fifth day of the month, the
40 director of accounts and reports shall certify to the pooled money in-
41 vestment board the average daily balance of moneys in the solid waste
42 management fund during the preceding month.

43 (g) The solid waste management fund shall be used for the purposes

1-5

1 set forth in this act and for no other governmental purposes. It is the
2 intent of the legislature that the fund shall remain intact and inviolate for
3 the purposes set forth in this act, and moneys in the fund shall not be
4 subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and
5 amendments thereto.

6 New Sec. 3. (a) There is hereby established within the department
7 of health and environment the solid waste grants advisory committee,
8 which shall be composed of seven members as follows:

9 (1) ~~Five~~ members appointed by the governor, ~~three~~ of whom shall
10 represent the interests of counties, one of whom shall represent the in-
11 terests of cities and one of whom shall represent the interests of the
12 private sector;

Six

two of whom shall represent the interests of regional solid waste management entities, two

13 ~~(2) one member appointed by the secretary of commerce and hous-~~
14 ~~ing, and~~

and

15 ~~(3) the secretary of health and environment or the secretary's desig-~~
16 ~~nee.~~

(2)

17 (b) Appointive members of the solid waste grants advisory committee
18 shall serve terms of two years. The secretary of health and environment
19 or the person designated by the secretary shall serve as chairperson of
20 the advisory committee.

21 (c) Members of the solid waste grants advisory committee shall re-
22 ceive amounts provided by subsection (e) of K.S.A. 75-3223 and amend-
23 ments thereto for each day of actual attendance at any meeting of the
24 advisory committee or any subcommittee meeting authorized by the ad-
25 visory committee.

26 (d) The secretary of health and environment shall provide technical
27 support related to the activities of the solid waste grants advisory com-
28 mittee, including but not limited to establishing project selection criteria,
29 performing technology evaluations, assessing technical feasibility and de-
30 termining consistency with the statewide solid waste management plan,
31 the applicable county or regional solid waste management plan and re-
32 gional activities.

33 (e) In accordance with schedules established by the secretary of
34 health and environment, the solid waste grants advisory committee shall
35 meet to review competitive grant applications submitted pursuant to sub-
36 section (d) of K.S.A. 65-3415 and amendments thereto. The advisory
37 committee shall establish a project priority list for each fiscal year based
38 upon the availability of funds as estimated by the secretary and shall make
39 recommendations regarding the selection of grantees and the disburse-
40 ment of moneys.

Insert sections 4 and 5, attached

41 Sec. ~~4~~ K.S.A. 65-3460 is hereby amended to read as follows: 65-
42 3460. (a) In order to (1) provide for the safe disposal of small quantities
43 of hazardous waste in the possession of homeowners and other, house-

6

Handwritten mark resembling a stylized 'S' or '2'.

9-1

1 holders ~~and~~, farmers *and exempt small quantity hazardous waste gener-*
 2 *ators in amounts not exceeding the amount prescribed in K.S.A. 65-3451*
 3 *and amendments thereto*; (2) educate the public about the dangers posed
 4 by hazardous waste; and (3) encourage local units of government to de-
 5 velop local hazardous waste collection programs either individually or
 6 jointly, the secretary of health and environment may coordinate voluntary
 7 hazardous waste collection programs to ensure the safe collection and
 8 disposal of such waste.

9 (b) The secretary of health and environment may adopt rules and
 10 regulations for conducting *both hazardous temporary and permanent*
 11 *waste collection programs. Within the limits of appropriations therefor,*
 12 *the secretary may grant to any local unit of government, individually or*
 13 *jointly, up to 50% of the cost to the grantee of conducting a hazardous*
 14 *waste collection program. A local unit of government may apply for a*
 15 *grant to conduct such a program by submitting a grant application, in-*
 16 *cluding a plan describing the program, to the secretary for review to*
 17 *ensure that the program is conducted in accordance with the rules and*
 18 *regulations adopted by the secretary. Persons generating hazardous waste*
 19 *in regulated amounts specified by K.S.A. 65-3451 and amendments*
 20 *thereto shall not be eligible to participate in such program. The secretary*
 21 *shall supervise the program and ensure that the local unit of government*
 22 *contracts with a bonded waste handling company approved by the sec-*
 23 *retary for implementation of the program.*

24 (c) The secretary of health and environment may receive moneys for
 25 use as grants to help defray the expense of operating hazardous waste
 26 collection programs. Any money received to defray the cost of the pro-
 27 grams shall be deposited in the state treasury and credited to the hazard-
 28 ous waste collection fund, which is hereby created. Costs and expenses
 29 arising from the implementation of this section shall be paid from such
 30 fund.

31 (d) Not later than the first day of each legislative session, the secretary
 32 of health and environment shall submit to the speaker of the house of
 33 representatives and the president of the senate a report on hazardous
 34 waste collection programs carried out under this section during the pre-
 35 ceding calendar year.

36 ~~Sec. 25. K.S.A. 65-3415 and 65-3460 and K.S.A. 1994 Supp. 65-3415a and 65-3415b~~
 37 ~~are hereby repealed.~~

38 ~~Sec. 26. This act shall take effect and be in force from and after its~~
 39 ~~publication in the statute book.~~

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Sec. 4. K.S.A. 1994 Supp. 65-3415b is hereby amended to read as follows: 65-3415b. (a) Except for construction and demolition landfills and industrial solid waste landfills, there is hereby imposed a state solid waste tonnage fee ~~of \$1.50~~ for each ton or equivalent volume of solid waste disposed of at any solid waste disposal area in this state ~~on or after January 1, 1993~~ as follows:

(1) On and after July 1, 1995, and before July 1, 1996, \$1.25; and

(2) on and after July 1, 1996, and before July 1, 1998, \$1.00.

(b) There is hereby imposed a state solid waste tonnage fee ~~of \$1.50~~ for each ton or equivalent volume of construction and demolition waste disposed of at any construction and demolition landfill and solid waste disposed at any industrial solid waste landfill ~~on and after the effective date of this act~~, other than waste enumerated in subsection (c). ~~No such fee shall be imposed prior to the effective date of this act, except that, to the extent such fees were collected prior to the effective date of this act, such fee shall be remitted to the state,~~ as follows:

(1) On and after July 1, 1995, and before July 1, 1996, \$1.25; and

(2) on and after July 1, 1996, and before July 1, 1998, \$1.00.

(c) The fees imposed by this section shall not apply to:

(1) Any waste tire, as defined by subsection (j) of K.S.A. 65-3424, and amendments thereto, disposed in or at a permitted solid waste disposal area;

(2) any of the following wastes when disposed of at a monofill permitted by the department:

(A) Sludges from public drinking water supply treatment plants;

(B) cement kiln dust from the manufacture of portland and masonry cement;

(C) flue gas desulfurization sludge, fly ash and bottom ash from coal-fired electric generating facilities; and

(D) foundry sand;

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(3) clean rubble;

(4) solid waste solely consisting of vegetation from land clearing and grubbing, utility maintenance and seasonal or storm-related cleanup but such exception shall not apply to yard waste;

(5) construction and demolition waste generated before January 1, 1996, from federal facilities as provided for under contract with the U.S. army corps of engineers before the effective date of this act; and

(6) construction and demolition waste disposed of by the state and any city or county, or by any person on their behalf.

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

(e) The secretary of health and environment shall administer, enforce and collect the fee imposed by this section. Except as otherwise provided by subsections (a) and (b), all laws and rules and regulations of the secretary of revenue relating to the administration, enforcement and collection of the retailers' sales tax shall apply to such fee insofar as they can be made applicable, and the secretary of health and environment shall adopt such additional rules and regulations as necessary for the efficient and effective administration, enforcement and collection thereof.

(f) The secretary of health and environment shall remit daily to the state treasurer all moneys collected from fees imposed pursuant to subsections (a) and (b). Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the solid waste management fund created by K.S.A. 65-3415a and amendments thereto.

New Sec. 5. The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, for the department of health and environment for any solid waste management programs and functions pursuant to K.S.A. 65-3401 through 65-3425, and amendments thereto, shall not exceed 44.