

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Robert Tyson at 8:42 a.m. on March 28, 2002 in Room 423-S of the Capitol.

All members were present except: All present

Committee staff present: Raney Gilliland, Legislative Research Department  
Lisa Montgomery, Office of Revisor of Statutes  
Deborah McIntire, Committee Secretary

Conferees appearing before the committee:  
Bill Bider, Director, Bureau of Waste Management  
Bill Sneed, C & D Landfill Association

Others attending: See attached list

Senator Schmidt moved that the minutes from the March 14, March 15, March 21, March 22, and March 25, 2002, meetings be approved. Senator Lee seconded. Motion carried.

**Discussion and action on HB 2703—Concerning solid waste**

Senator Taddiken provided a balloon amendment to **HB 2703** (Attachment 1). Questions and discussion followed.

Bill Bider (Director, Bureau of Waste Management) stated that the Department objects to this amendment in that it allows chemical containers to be placed in existing landfills and they are not always in compliance with the requirement that they be empty. It is virtually impossible for the Department to check these containers because they are usually buried in the pile of rubble.

Bill Sneed (C & D Landfill Association) supports the amendment. He contends that the chemical containers will be empty as much as practicable and that the Department currently has the ability to investigate and prosecute any violations.

Senator Taddiken moved to adopt the balloon amendment to **HB 2703**, Senator Lee seconded. Motion carried.

Senator Schmidt moved to amend **HB 2703** by striking the language in the balloon amendment on page 3, in line 15 “chemical containers which have been emptied to the extent practicable;”. Seconded by Senator Downey. Motion carried.

Senator Lee moved to report **HB 2703** favorably as amended, Senator Schmidt seconded. Motion carried.

**Discussion and action on HB 2471—Creating the Kansas natural resource legacy alliance**

Senator Oleen provided a proposed amendment to **HB 2471** (Attachment 2). Discussion followed.

Senator Tyson proposed to amend **HB 2471** so that two of the members appointed by the Governor, two of the members appointed by the President of the Senate, two of the members appointed by the Speaker of the House, one of the members appointed by the minority leader of the Senate, and one of the members appointed by the minority leader of the House would be landowners who own at least 80 acres and are principally engaged in the production of agriculture.

Senator Schmidt concurred with the proposed amendments of Senator Oleen and Senator Tyson and proposed an additional amendment on page 3, at line 1, inserting “prairie and grassland resources”.

Senator Oleen moved to amend **HB 2471** to include the proposed amendments. Senator Umbarger seconded. Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE at 8:42 a.m. on March 28, 2002  
in Room 423-S of the Capitol.

Senator Schmidt moved to report **HB 2471** favorably as amended. Senator Umbarger seconded. Motion failed.

The meeting adjourned at 9:31 a.m.

No further meetings are scheduled.

**SENATE NATURAL RESOURCES COMMITTEE  
GUEST LIST**

DATE: March 28, 2002

NAME	REPRESENTING
Al LeDoux	KWO/ RWA
<i>Joe Fund</i>	<i>KWO</i>
Ladd Johnson	KLA
Janet McPherson	Ks Farm Bureau
Don M. Rezac	KACD
JOHN STRICKLER	SELF
Clint Biley	KDWP
Ray Astin	KS Forest Service
Harold	Gov's Office
Woody Moses	Ks. Agg. Prod. Assn.
Nancy Streeter	CONS. Comm.
Steve Polansky	KDWP
Mike Hayden	KDWP
Bill Bider	KDHE
Mike Pepoon	Sedwick County
John C. BOTTENBERG	DOFFENBACH FID
Bill Sneed	C&D Landfill Assn.
DENNY KOCH	POLSKY SHAWTON WELF
Erik Sartorius	City of Overland Park
Bill Hengill	Gov's Office

HOUSE BILL No. 2703

By Committee on Environment

1-25

10 AN ACT concerning solid waste; relating to construction and demolition  
11 landfills; amending K.S.A. 2001 Supp. 65-3402 and repealing the ex-  
12 isting section.  
13

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

15 Section 1. K.S.A. 2001 Supp. 65-3402 is hereby amended to read as  
16 follows: 65-3402. As used in this act, unless the context otherwise  
17 requires:

18 (a) "Solid waste" means garbage, refuse, waste tires as defined by  
19 K.S.A. 65-3424, and amendments thereto, and other discarded materials,  
20 including, but not limited to, solid, semisolid, sludges, liquid and con-  
21 tained gaseous waste materials resulting from industrial, commercial, ag-  
22 ricultural and domestic activities. Solid waste does not include hazardous  
23 wastes as defined by subsection (f) of K.S.A. 65-3430, and amendments  
24 thereto, recyclables or the waste of domestic animals as described by  
25 subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.

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

30 (c) "Solid waste processing facility" means incinerator, composting  
31 facility, household hazardous waste facility, waste-to-energy facility, trans-  
32 fer station, reclamation facility or any other location where solid wastes  
33 are consolidated, temporarily stored, salvaged or otherwise processed  
34 prior to being transported to a final disposal site. This term does not  
35 include a scrap material recycling and processing facility.

36 (d) "Solid waste disposal area" means any area used for the disposal  
37 of solid waste from more than one residential premises, or one or more  
38 commercial, industrial, manufacturing or municipal operations. "Solid  
39 waste disposal area" includes all property described or included within  
40 any permit issued pursuant to K.S.A. 65-3407, and amendments thereto.

41 (e) "Person" means individual, partnership, firm, trust, company, as-  
sociation, corporation, individual or individuals having controlling or ma-  
jority interest in a corporation, institution, political subdivision, state

1 agency or federal department or agency.

2 (f) "Waters of the state" means all streams and springs, and all bodies  
3 of surface or groundwater, whether natural or artificial, within the bound-  
4 aries of the state.

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

6 (h) "Department" means the Kansas department of health and  
7 environment.

8 (i) "Disposal" means the discharge, deposit, injection, dumping, spill-  
9 ing, leaking or placing of any solid waste into or on any land or water so  
10 that such solid waste or any constituent thereof may enter the environ-  
11 ment or be emitted into the air or discharged into any water.

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

17 (k) "Generator" means any person who produces or brings into ex-  
18 istence solid waste.

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

24 (m) "Closure" means the permanent cessation of active disposal op-  
25 erations, abandonment of the disposal area, revocation of the permit or  
26 filling with waste of all areas and volume specified in the permit and  
27 preparing the area for the long-term care.

28 (n) "Postclosure" means that period of time subsequent to closure of  
29 a solid waste disposal area when actions at the site must be performed.

30 (o) "Reclamation facility" means any location at which material con-  
31 taining a component defined as a hazardous substance pursuant to K.S.A.  
32 65-3452a and amendments thereto or as an industrial waste pursuant to  
33 this section is processed.

34 (p) "Designated city" means a city or group of cities which, through  
35 interlocal agreement with the county in which they are located, is dele-  
36 gated the responsibility for preparation, adoption or implementation of  
37 the county solid waste plan.

38 (q) "Nonhazardous special waste" means any solid waste designated  
39 by the secretary as requiring extraordinary handling in a solid waste dis-  
posal area.

40 (r) "Recyclables" means any materials that will be used or reused, or  
42 prepared for use or reuse, as an ingredient in an industrial process to  
43 make a product, or as an effective substitute for a commercial product.

1 "Recyclables" includes, but is not limited to, paper, glass, plastic, munic-  
2 ipal water treatment residues, as defined by K.S.A. 65-163 and amend-  
3 ments thereto, and metal, but does not include yard waste.

4 (s) "Scrap material processing industry" means any person who ac-  
5 cepts, processes and markets recyclables.

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

9 (u) "Construction and demolition waste" means solid waste resulting  
10 from the construction, remodeling, repair and demolition of structures,  
11 roads, sidewalks and utilities; untreated wood and untreated sawdust from  
12 any source; **treated wood from construction or demolition projects;**  
13 **small amounts of municipal solid waste generated by the con-**  
14 **sumption of food and drinks at construction or demolition sites,**  
15 **including, but not limited to, cups, bags and bottles;** solid waste  
16 consisting of motor vehicle window glass; and solid waste consisting of  
17 vegetation from land clearing and grubbing, utility maintenance, and sea-  
18 sonal or storm-related cleanup. Such wastes include, but are not limited  
19 to, bricks, concrete and other masonry materials, roofing materials, soil,  
20 rock, wood, wood products, wall or floor coverings, plaster, drywall,  
21 plumbing fixtures, electrical wiring, electrical components containing no  
22 hazardous materials, nonasbestos insulation and construction related  
23 packaging. "Construction and demolition waste" shall not include waste  
24 material containing friable asbestos, garbage, ~~furniture~~, appliances, elec-  
25 trical equipment containing hazardous materials, tires, drums and con-  
26 tainers even though such wastes resulted from construction and demoli-  
27 tion activities. Clean rubble that is mixed with other construction and  
28 demolition waste during demolition or transportation shall be considered  
29 to be construction and demolition waste.

chemical containers which have been emptied to the extent practicable; furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act;

30 (v) "Construction and demolition landfill" means ~~a class I or class II~~  
31 ~~construction landfill as follows:~~

32 ~~(1) "Class I construction and demolition landfill" means a permitted~~  
33 ~~solid waste disposal area used for the disposal of construction and dem-~~  
34 ~~olition waste and other waste materials commonly generated at construc-~~  
35 ~~tion or demolition sites, including but not limited to: (A) Small amounts~~  
36 ~~of municipal solid waste such as lunch bags, cups, boxes, bottles and news-~~  
37 ~~papers. Caulking tubes; (B) chemical containers which have been emp-~~  
38 ~~tyed to the extent practicable; (C) furniture and appliances from which~~  
39 ~~ozone depleting chlorofluorocarbons have been removed in accordance~~  
40 ~~with the provisions of the federal clean air act; and (D) friable asbestos~~  
41 ~~which is disposed of in a designated area approved by the department.~~

permitted solid waste disposal area used exclusively for the disposal on land of construction and demolition wastes. This term shall not include a site that is used exclusively for the disposal of clean rubble.

[NOTE: This is reinstating current law.]

42 (2) "Class II construction and demolition landfill" means a permitted  
43 solid waste disposal area used exclusively for the disposal on land of con-

~~struction and demolition wastes. This term "Class II construction and demolition landfill" shall not include a site that is used exclusively for the disposal of clean rubble.~~

(w) "Clean rubble" means inert uncontaminated construction and demolition waste which includes concrete and concrete products, reinforcing steel, asphalt pavement, brick, soil or rock.

(x) "Industrial waste" means all solid waste resulting from manufacturing, commercial and industrial processes which is not suitable for discharge to a sanitary sewer or treatment in a community sewage treatment plant or is not beneficially used in a manner that meets the definition of recyclables. Industrial waste includes, but is not limited to: Mining wastes from extraction, beneficiation and processing of ores and minerals unless those minerals are returned to the mine site; fly ash, bottom ash, slag and flue gas emission wastes generated primarily from the combustion of coal or other fossil fuels; cement kiln dust; waste oil and sludges; waste oil filters; and fluorescent lamps.

(y) "Composting facility" means any facility that composts wastes and has a composting area larger than one-half acre.

(z) "Household hazardous waste facility" means a facility established for the purpose of collecting, accumulating and managing household hazardous waste and may also include small quantity generator waste or agricultural pesticide waste, or both. Household hazardous wastes are consumer products that when discarded exhibit hazardous characteristics.

(aa) "Waste-to-energy facility" means a facility that processes solid waste to produce energy or fuel.

(bb) "Transfer station" means any facility where solid wastes are transferred from one vehicle to another or where solid wastes are stored and consolidated before being transported elsewhere, but shall not include a collection box provided for public use as a part of a county-operated solid waste management system if the box is not equipped with compaction mechanisms or has a volume smaller than 20 cubic yards.

(cc) "Municipal solid waste landfill" means a solid waste disposal area where residential waste is placed for disposal. A municipal solid waste landfill also may receive other nonhazardous wastes, including commercial solid waste, sludge and industrial solid waste.

(dd) "Construction related packaging" means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. "Construction related packaging" does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging wastes generated during maintenance of existing structures.

Sec. 2. K.S.A. 2001 Supp. 65-3402 is hereby repealed.

New Sec. 2. When the department determines through scientific analysis and demonstration that a construction and demolition landfill has or can reasonably be expected to cause harm to the waters of the state, the department may require any future phases at such landfill to utilize a compacted soil liner and may require the owner or the operator of the landfill to take appropriate response actions including, without limitation, any one or more of the following: Groundwater monitoring, groundwater remediation, methane gas collection or orderly closure of any phase of such landfill which has been the source of the release

1     Sec. 3. This act shall take effect and be in force from and after its  
2     publication in the statute book.

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Proposed Amendment to Proposed SENATE Substitute for HB NO. 2471

On page 1 of the typed version of the bill, in line 14, by striking "two" and inserting "one"; also in line 14, by striking "members" and inserting "member"; in line 23, by striking "two" and inserting "one"; also in line 23, by striking "members" and inserting "member";

On page 3, in line 20, following "expand" by inserting "voluntary"; in line 26 by striking "public" and inserting "prairie and grassland resources,";

On page 4, in line 5, by striking "February" and inserting "May"; in line 7, by striking "April" and inserting "December"; in line 23 by striking all after the period; by striking all in lines 24 through 26;

On page 5, by striking all in lines 1 through 3; in line 5, by striking "2003" and inserting "2004".