

## MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Carolyn McGinn at 8:30 a.m. on January 19, 2006, in Room 423-S of the Capitol.

## Members absent:

Tim Huelskamp

## Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Emalene Correll, Kansas Legislative Research Department  
Lisa Montgomery, Revisor of Statutes Office  
Judy Holliday, Committee Secretary

## Conferees appearing before the committee:

Wayne Penrod, Sr. Manager, Environment & Production Planning, Sunflower Electric Power Corporation, Hays  
Bill Bider, Director, Bureau of Waste Management, KDHE  
Charles Benjamin, Attorney at Law, Topeka Chapter of Sierra Club

## Others attending:

See attached list.

The meeting was called to order at 8:33 a.m. by Chairperson McGinn. Chairperson McGinn asked Committee members and staff to introduce themselves. Senator Ralph Ostmeyer introduced his intern, Angela Schertz.

Chairperson McGinn asked for bill introductions.

Brent Haden, Kansas Livestock Assn., asked for a bill regarding dam safety in public and private dams, and hazard classification of dams when they have third-party development downstream. Senator McGinn asked if there were any questions. Senator Teichman moved to introduce the bill, seconded by Senator Ostmeyer. The motion carried.

Chris Tymeson, Chief Legal Counsel for the Kansas Department of Wildlife and Parks, requested introduction of a bill updating the current boating laws dealing with marine theft. Senator Ostmeyer moved to introduce the bill, seconded by Senator Teichman. The motion carried.

Bill Bider, KDHE, on behalf of the Secretary of KDHE, requested introduction of a bill that would establish new landfill siting restrictions to protect water resources. Senator Teichman moved to introduce the bill, seconded by Senator Francisco. The motion carried.

Chairperson McGinn asked the Committee to hear SB 362, solid waste, industrial facilities, permits. She recognized Wayne Penrod, Sr. Manager, Environment & Production Planning, Sunflower Electric Power Corporation in Hays, who testified in favor of SB 362 (Attachment 1). This bill which would define 'industrial facility' to clarify the nature of an entity that generates industrial waste; would provide authority for the Secretary of KDHE to accept applications for a solid waste facility from either a landowner or a landfill operator; and would provide for the continuation of the exemption from \$1 per ton tipping fees for privately-owned landfills. He referenced an amendment that he had discussed with Bill Bider of KDHE, and asked for questions.

Bill Bider, Director, Bureau of Waste Management, KDHE, testified before the Committee (Attachment 2). He noted that he had visited with Sunflower about their proposal and that overall KDHE had a neutral position on the bill. However, if the Legislature decided to pass the bill KDHE felt amendments were needed. He provided the Committee with background of existing law, which provides that the landfill permit applicant must own the land where the landfill is located if there is any long-term monitoring or care at that site. In order for a landfill owner to be exempt from the \$1 per ton state tonnage fee, the law says that it has to be an on-site landfill owned and operated by the company that generates waste. If the power plant expands into more owners of more generating units, then there will be more owners using the same landfill, so it is not really on-site with respect to property ownership. KDHE has one concern: when the generator of the waste

## CONTINUATION SHEET

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responsibility or care and oversight of the facility when the landowner is not the permit holder. The only amendment KDHE feels is appropriate is to strengthen the financial assurance requirement when the permit holder does not own the land.

The balloon document (Attachment 3) splits off a section of law into two parts: if the entity owns the land, they have all the options available under law; if they do not own the land, they would have to use one of the more secure financial assurance methods so that if something went wrong and the facility does not take care of it the Department would have access to that financial assurance.

Senator Lee asked what the \$1 per ton fee was for and if the money helps fund KDHE inspection of this landfill. Mr. Bider explained the breakdown of how the money is used under the statutes, including partial inspections of landfills with permit fees paying for the rest. Senator Lee then asked if the owners of the landfill were primarily out of state owners, to which Mr. Penrod responded that it would be Colorado owners.

Senator Lee asked if the change in law would have any effect on any other situation involving out of state owners. Mr. Bider replied that the exemption of the tonnage fees in the law would apply if the Legislature does not change the law.

Senator Ostmeyer asked what type and how much waste is produced per year. Mr. Bider explained that it was a fairly inert material, mainly fly ash. Original permits did not include liners for the landfills, but they don't have to put daily cover on these types of landfills.

Senator McGinn asked that with this expansion they were under all new rules and not grandfathered in with regard to landfill liner criteria. Mr. Bider replied that the department is re-evaluating what is appropriate for this type of waste in the expanded area.

Senator Taddiken asked if companies can use all or any of the methods in securing financial assurance. Mr. Bider stated that they can use any of those methods. Senator Taddiken questioned if we were taking things away but not adding, and Mr. Bider stated that we were taking two things away only under this scenario where they don't own the land.

Senator McGinn introduced Charles Benjamin who testified against **SB 362** on behalf of the Topeka Chapter of Sierra Club (Attachment 4). Mr. Benjamin stated the Sierra Club's concerns regarding expansion of coal-fired generating plants in Southwest Kansas. In essence, they oppose burning Wyoming coal when we have wind power we could use, contaminating and depleting the water table, polluting air throughout the state, and sending electricity out of state (Colorado). He stated that utilities typically bury fly ash, the mercury-laden byproduct of burning coal, in landfills. He urged the Legislature to proceed with caution in changing current law regarding landfill ownership and liability.

Senator Lee asked how he felt about KDHE's amendments, to which Mr. Benjamin responded that he hadn't seen them but the key is long-term financial assurances.

Senator Ostmeyer asked about tests being done on mercury and the percentage of capture. Mr. Penrod discussed Sunflower's results in capturing 80% of mercury. Senator Ostmeyer asked if this was Sunflower's test or KDHE's test, and Mr. Penrod responded it was Sunflower's test. Senator Ostmeyer asked if the state double-checks their test results, and Mr. Bider stated that another agency would check those results and he could not say.

Senator Lee asked if the LLC would not have responsibility, and Mr. Bider stated the LLC would have no responsibility in the permit or to post financial assurance.

Chairperson McGinn recognized Mr. Penrod who stated that Sunflower is owned by six distribution electric cooperatives in Western Kansas, and those six cooperatives also own the landfill limited liability company. As they go forward, they may have to share the ownership because the owners of the power plant want to provide some assurance to their lenders that they can use that landfill.

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Senator Lee asked where the captured mercury goes, and Mr. Penrod stated it goes into the landfill locally as opposed to going into the air. She asked what precautions were being taken for that mercury, and Mr. Penrod stated it is chemically bound in the ash itself and it does not leach out into the landfill.

Senator McGinn stated the bill would not be worked today and that the committee members would like to have time to absorb the facts and probably take it up next week. She stated that Senator Schmidt had a bill regarding waiving fees for hunting and fishing for veterans, and she would like to introduce it in committee. Senator Taddiken made a motion, seconded by Senator Ostmeyer, to introduce the bill. The motion passed.

Senator McGinn distributed a handout to members regarding the Dry Cleaner Environmental Response Act (Attachment 5) and asked committee members to read it at a later time.

Senator McGinn stated that the Committee would meet next week, January 26 and 27.

With no further action to come before the Committee, the meeting adjourned at 9:20 a.m.

# SENATE NATURAL RESOURCES COMMITTEE

Guest Roster

1-19-2006

Name	Representing
Dave Holtzhus	KEC
Steve Miller	Sunflower
Wayne Purrod	Sunflower
Roger Randal	KCPL
Bill Bider	KDHE
Chris Tymeson	KDWP
Brent Haden	KLA
LARRY BEEG	MIDWEST ENERGY
Mark Schreiber	Westar Energy
Erk Wisner	KDA
PHIL WAGES	KEPCO
Andy Shaw	Waste Mgmt Inc.
Mary Jane Stankiewicz	KGFA/KARA
Angela Schertz	
Estelle Montgomery	Hein Law Firm
Shawn Harrick	KS LANDFILL ASSN.
<del>Wayne Purrod</del>	
Chris Wilson	KEC

**TESTIMONY SUBMITTED TO THE  
SENATE NATURAL RESOURCES COMMITTEE  
IN SUPPORT of SB 362**

**Presented by Wayne Penrod, Senior Manager, Environment & Production  
Planning, Sunflower Electric Power Corporation**

**January 19, 2006**

Thank you, Madam Chairman and members of the Committee for providing this opportunity to speak today on Senate Bill 362.

My name is Wayne Penrod. I'm Sunflower's Senior Manager, Environment and Production Planning. I've been in the utility business for 34 years—the last 18 of them with Sunflower. Since 1992, the primary focus of my work has been in matters pertaining to compliance with environmental rules and regulations at both the state and federal level.

As you may know, Sunflower has been actively working to expand the generating capacity of its generating facility at Holcomb Station for several years. We recently announced an agreement to build two new power plants in conjunction with a Colorado cooperative, and we hope to announce a third plant in the near future. The value of these projects will be approximately \$3 billion and will take six years to complete construction. The agreements for engineering, construction, and project management services are nearly complete and work is already underway on the transmission permitting process.

We have operated the industrial landfill at the Holcomb site since 1983 when the first plant went into commercial operation. In 2002, a corporate reorganization resulted in the existing permit and associated acreage becoming an asset of Holcomb Common Facilities (HCF), a subsidiary of Sunflower Electric Holdings (SEHI), which is owned by the same distribution cooperatives that own the operating company, Sunflower Electric Power Corporation.

With this reorganization, we are technically not in compliance with existing law, although we could once again be compliant by going through the procedures required by the Department of Health and Environment, we would like to seek the changes I'll describe later in this testimony.

The reason our landfill is in HCF (which is a single purpose entity that cannot incur debt), and consequently separated from Sunflower's operating company, is because the lenders that will finance these new plants require that their borrowers have a secure, contractual access, or ownership of, the solid waste facilities.

While Sunflower will continue to serve as the landfill operator and will utilize the landfill for its own unit, the lenders remain firm in their desire to not assume the risk that they

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may invest billions of dollars in new power plants and not have access to a landfill. This is what drives our need for this change in the current statutes.

With that background, let me describe what we've tried to do with this bill:

- First, we've **added the definition of industrial facility** to clarify the nature of an entity that generates industrial waste. Under the current law, when our project is completed it would be considered as four facilities with only one landfill unless these changes are made.
- Secondly, this bill would **provide the authority for the Secretary of the KDHE to accept applications for a solid waste facility from either a land owner or a landfill operator**. Currently, only a land owner can make application for a landfill permit. This change would not restrict the Secretary's current authorities related to permit issuance.
- Finally, the bill would **provide for the continuation of the exemption from tipping fees for privately-owned landfills** where the waste is generated by an industrial facility and disposed on that facility's site.

Passage of this legislation is crucial to the continued development of Holcomb Station. Sunflower and its partners have worked since the late 1990s to get this project built and we certainly hope you will support this proposal.

I thank you for the opportunity to testify today, and I would be happy to answer any questions you may have for me at the appropriate time.



K A N S A S

RODERICK L. BREMBY, SECRETARY

DEPARTMENT OF HEALTH AND ENVIRONMENT

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on Senate Bill 362**

Presented to

**Senate Natural Resources Committee**

by William L. Bider

Director, Bureau of Waste Management

January 19, 2006

KDHE appreciates this opportunity to provide testimony on Senate Bill 362. Overall, KDHE is taking a neutral position on this bill; however, if the Legislature decides to move forward with passage, we recommend that certain amendments be made. Our testimony today was developed to provide those amendments as well as to provide some explanation of what this bill really accomplishes.

To understand what this bill will do, some background related to current law is needed. Existing law requires a landfill permit applicant to own the land where the landfill is to be located, if the landfill is a type that requires long-term monitoring (i.e., groundwater monitoring). In addition, to be exempt from the \$1 per ton state landfill tonnage fee, a landfill for industrial waste must be located on the same site where the waste is generated and the landfill must be owned and operated by the company generating the waste.

Due to corporate restructuring, an electric power generating company that previously owned an on-site landfill for its coal combustion wastes no longer owns the land where its landfill is located. The power company also has applied for a permit to expand its landfill to accommodate the planned development of additional power generating capacity. The new power generating unit will likely be owned by multiple parties. The current power generating company wishes to remain as the landfill permit holder and maintain their historical exemption from the tonnage fee. Changes to the law are necessary to accomplish those goals.

KDHE considers the exemption to tonnage fees to be a policy decision for the Legislature; thus, we are neutral on this point. However, when a permit holder does not own the land where a landfill is located, there is some increased concern related to long-term landfill care and financial responsibility. For this reason, an amendment is proposed to ensure that only the most secure financial assurance instruments are used when the permit holder does not own the land where the landfill will be located. We are submitting a balloon which modifies the bill in

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K.S.A. 65-3407(h) to specify that more risky financial assurance instruments, including insurance and a corporate test, cannot be used when the permit holder does not own the land where their solid waste facility is located.

KDHE is offering a second amendment in this balloon that modifies one word in K.S.A. 65-3407(e)(2) to make it consistent with the other proposed changes. This section addresses annual permit renewal fees for industrial landfills. The statement "owned and operated" should be replaced by "owned or operated."

Thank you again for this opportunity to provide testimony on this bill. We would be happy to answer any questions you may have.



SENATE BILL No. 362

By Committee on Utilities

1-12

9 AN ACT concerning solid waste; relating to solid waste disposal areas;  
10 amending K.S.A. 65-3407 and 65-3415b and K.S.A. 2005 Supp. 65-  
11 3402 and repealing the existing sections.  
12

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

14 Section 1. K.S.A. 2005 Supp. 65-3402 is hereby amended to read as  
15 follows: 65-3402. As used in this act, unless the context otherwise  
16 requires:

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

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

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

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

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

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- 1 (f) "Waters of the state" means all streams and springs, and all bodies  
2 of surface or groundwater, whether natural or artificial, within the bound-  
3 aries of the state.
- 4 (g) "Secretary" means the secretary of health and environment.
- 5 (h) "Department" means the Kansas department of health and  
6 environment.
- 7 (i) "Disposal" means the discharge, deposit, injection, dumping, spill-  
8 ing, leaking or placing of any solid waste into or on any land or water so  
9 that such solid waste or any constituent thereof may enter the environ-  
10 ment or be emitted into the air or discharged into any water.
- 11 (j) "Open dumping" means the disposal of solid waste at any solid  
12 waste disposal area or facility which is not permitted by the secretary  
13 under the authority of K.S.A. 65-3407, and amendments thereto, or the  
14 disposal of solid waste contrary to rules and regulations adopted pursuant  
15 to K.S.A. 65-3406, and amendments thereto.
- 16 (k) "Generator" means any person who produces or brings into ex-  
17 istence solid waste.
- 18 (l) "Monitoring" means all procedures used to (1) systematically in-  
19 spect and collect data on the operational parameters of a facility, an area  
20 or a transporter, or (2) to systematically collect and analyze data on the  
21 quality of the air, groundwater, surface water or soils on or in the vicinity  
22 of a solid waste processing facility or solid waste disposal area.
- 23 (m) "Closure" means the permanent cessation of active disposal op-  
24 erations, abandonment of the disposal area, revocation of the permit or  
25 filling with waste of all areas and volume specified in the permit and  
26 preparing the area for the long-term care.
- 27 (n) "Postclosure" means that period of time subsequent to closure of  
28 a solid waste disposal area when actions at the site must be performed.
- 29 (o) "Reclamation facility" means any location at which material con-  
30 taining a component defined as a hazardous substance pursuant to K.S.A.  
31 65-3452a and amendments thereto or as an industrial waste pursuant to  
32 this section is processed.
- 33 (p) "Designated city" means a city or group of cities which, through  
34 interlocal agreement with the county in which they are located, is dele-  
35 gated the responsibility for preparation, adoption or implementation of  
36 the county solid waste plan.
- 37 (q) "Nonhazardous special waste" means any solid waste designated  
38 by the secretary as requiring extraordinary handling in a solid waste dis-  
39 posal area.
- 40 (r) "Recyclables" means any materials that will be used or reused, or  
41 prepared for use or reuse, as an ingredient in an industrial process to  
42 make a product, or as an effective substitute for a commercial product.  
43 "Recyclables" includes, but is not limited to, paper, glass, plastic, munic-

1 ipal water treatment residues, as defined by K.S.A. 65-163 and amend-  
2 ments thereto, and metal, but does not include yard waste.

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

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

8 (u) "Construction and demolition waste" means solid waste resulting  
9 from the construction, remodeling, repair and demolition of structures,  
10 roads, sidewalks and utilities; untreated wood and untreated sawdust from  
11 any source; treated wood from construction or demolition projects; small  
12 amounts of municipal solid waste generated by the consumption of food  
13 and drinks at construction or demolition sites, including, but not limited  
14 to, cups, bags and bottles; furniture and appliances from which ozone  
15 depleting chlorofluorocarbons have been removed in accordance with the  
16 provisions of the federal clean air act; solid waste consisting of motor  
17 vehicle window glass; and solid waste consisting of vegetation from land  
18 clearing and grubbing, utility maintenance, and seasonal or storm-related  
19 cleanup. Such wastes include, but are not limited to, bricks, concrete and  
20 other masonry materials, roofing materials, soil, rock, wood, wood prod-  
21 ucts, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical  
22 wiring, electrical components containing no hazardous materials, nonas-  
23 bestos insulation and construction related packaging. "Construction and  
24 demolition waste" shall not include waste material containing friable as-  
25 bestos, garbage, furniture and appliances from which ozone depleting  
26 chlorofluorocarbons have not been removed in accordance with the pro-  
27 visions of the federal clean air act, electrical equipment containing haz-  
28 ardous materials, tires, drums and containers even though such wastes  
29 resulted from construction and demolition activities. Clean rubble that is  
30 mixed with other construction and demolition waste during demolition  
31 or transportation shall be considered to be construction and demolition  
32 waste.

33 (v) "Construction and demolition landfill" means a permitted solid  
34 waste disposal area used exclusively for the disposal on land of construc-  
35 tion and demolition wastes. This term shall not include a site that is used  
36 exclusively for the disposal of clean rubble.

37 (w) "Clean rubble" means the following types of construction and  
38 demolition waste: Concrete and concrete products including reinforcing  
39 steel, asphalt pavement, brick, rock and uncontaminated soil as defined  
40 in rules and regulations adopted by the secretary.

41 (x) "Industrial waste" means all solid waste resulting from manufac-  
42 turing, commercial and industrial processes which is not suitable for dis-  
43 charge to a sanitary sewer or treatment in a community sewage treatment

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1 plant or is not beneficially used in a manner that meets the definition of  
2 recyclables. Industrial waste includes, but is not limited to: Mining wastes  
3 from extraction, beneficiation and processing of ores and minerals unless  
4 those minerals are returned to the mine site; fly ash, bottom ash, slag and  
5 flue gas emission wastes generated primarily from the combustion of coal  
6 or other fossil fuels; cement kiln dust; waste oil and sludges; waste oil  
7 filters; and fluorescent lamps.

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

10 (z) "Household hazardous waste facility" means a facility established  
11 for the purpose of collecting, accumulating and managing household haz-  
12 ardous waste and may also include small quantity generator waste or ag-  
13 ricultural pesticide waste, or both. Household hazardous wastes are con-  
14 sumer products that when discarded exhibit hazardous characteristics.

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

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

23 (cc) "Municipal solid waste landfill" means a solid waste disposal area  
24 where residential waste is placed for disposal. A municipal solid waste  
25 landfill also may receive other nonhazardous wastes, including commer-  
26 cial solid waste, sludge and industrial solid waste.

27 (dd) "Construction related packaging" means small quantities of  
28 packaging wastes that are generated in the construction, remodeling or  
29 repair of structures and related appurtenances. "Construction related  
30 packaging" does not include packaging wastes that are generated at retail  
31 establishments selling construction materials, chemical containers gen-  
32 erated from any source or packaging wastes generated during mainte-  
33 nance of existing structures.

34 (ee) "Industrial facility" includes all operations, processes and struc-  
35 tures involved in the manufacture or production of goods, materials, com-  
36 modities or other products located on, or adjacent to, an industrial site  
37 and is not limited to a single owner or to a single industrial process. For  
38 purposes of this act, it includes all industrial processes and applications  
39 that may generate industrial waste which may be disposed at a solid waste  
40 disposal area which is permitted by the secretary and operated for the  
41 industrial facility generating the waste and used only for industrial waste.

42 Sec. 2. K.S.A. 65-3407 is hereby amended to read as follows: 65-  
43 3407. (a) Except as otherwise provided by K.S.A. 65-3407c, and amend-

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1 ments thereto, no person shall construct, alter or operate a solid waste  
2 processing facility or a solid waste disposal area of a solid waste manage-  
3 ment system, except for clean rubble disposal sites, without first obtaining  
4 a permit from the secretary.

5 (b) Every person desiring to obtain a permit to construct, alter or  
6 operate a solid waste processing facility or disposal area shall make ap-  
7 plication for such a permit on forms provided for such purpose by the  
8 rules and regulations of the secretary and shall provide the secretary with  
9 such information as necessary to show that the facility or area will comply  
10 with the purpose of this act. Upon receipt of any application and payment  
11 of the application fee, the secretary, with advice and counsel from the  
12 local health authorities and the county commission, shall make an inves-  
13 tigation of the proposed solid waste processing facility or disposal area  
14 and determine whether it complies with the provisions of this act and any  
15 rules and regulations and standards adopted thereunder. The secretary  
16 also may consider the need for the facility or area in conjunction with the  
17 county or regional solid waste management plan. If the investigation re-  
18 veals that the facility or area conforms with the provisions of the act and  
19 the rules and regulations and standards adopted thereunder, the secretary  
20 shall approve the application and shall issue a permit for the operation of  
21 each solid waste processing or disposal facility or area set forth in the  
22 application. If the facility or area fails to meet the rules and regulations  
23 and standards required by this act the secretary shall issue a report to the  
24 applicant stating the deficiencies in the application. The secretary may  
25 issue temporary permits conditioned upon corrections of construction  
26 methods being completed and implemented.

27 (c) Before reviewing any application for permit, the secretary shall  
28 conduct a background investigation of the applicant. The secretary shall  
29 consider the financial, technical and management capabilities of the ap-  
30 plicant as conditions for issuance of a permit. The secretary may reject  
31 the application prior to conducting an investigation into the merits of the  
32 application if the secretary finds that:

33 (1) The applicant currently holds, or in the past has held, a permit  
34 under this section and while the applicant held a permit under this section  
35 the applicant violated a provision of subsection (a) of K.S.A. 65-3409, and  
36 amendments thereto; or

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

39 (3) the applicant failed or continues to fail to comply with any of the  
40 provisions of the air, water or waste statutes, including rules and regula-  
41 tions issued thereunder, relating to environmental protection or to the  
42 protection of public health in this or any other state or the federal gov-  
43 ernment of the United States, or any condition of any permit or license

1 issued by the secretary; or if the secretary finds that the applicant has  
2 shown a lack of ability or intention to comply with any provision of any  
3 law referred to in this subsection or any rule and regulation or order or  
4 permit issued pursuant to any such law as indicated by past or continuing  
5 violations; or

6 (4) the applicant is a corporation and any principal, shareholder, or  
7 other person capable of exercising total or partial control of such corpo-  
8 ration could be determined ineligible to receive a permit pursuant to  
9 subsection (c)(1), (2) or (3) above.

10 (d) Before reviewing any application for a permit, the secretary may  
11 request that the attorney general perform a comprehensive criminal back-  
12 ground investigation of the applicant; or in the case of a corporate appli-  
13 cant, any principal, shareholder or other person capable of exercising total  
14 or partial control of the corporation. The secretary may reject the appli-  
15 cation prior to conducting an investigation into the merits of the appli-  
16 cation if the secretary finds that serious criminal violations have been  
17 committed by the applicant or a principal of the corporation.

18 (e) (1) The fees for a solid waste processing or disposal permit shall  
19 be established by rules and regulations adopted by the secretary. The fee  
20 for the application and original permit shall not exceed \$5,000. Except as  
21 provided by paragraph (2), the annual permit renewal fee shall not exceed  
22 \$2,000. No refund shall be made in case of revocation. In establishing  
23 fees for a construction and demolition landfill, the secretary shall adopt  
24 a differential fee schedule based upon the volume of construction and  
25 demolition waste to be disposed of at such landfill. All fees shall be de-  
26 posited in the state treasury and credited to the solid waste management  
27 fund. A city, county, other political subdivision or state agency shall be  
28 exempt from payment of the fee but shall meet all other provisions of  
29 this act.

30 (2) The annual permit renewal fee for a solid waste disposal area  
31 which is permitted by the secretary, owned ~~and~~ operated by the facility  
32 generating the waste and used only for industrial waste generated by such  
33 facility shall be not less than \$1,000 nor more than \$4,000. In establishing  
34 fees for such disposal areas, the secretary shall adopt a differential fee  
35 schedule based upon the characteristics of the disposal area sites.

36 (f) Plans, designs and relevant data for the construction of solid waste  
37 processing facilities and disposal sites shall be prepared by a professional  
38 engineer licensed to practice in Kansas and shall be submitted to the  
39 department for approval prior to the construction, alteration or operation  
40 of such facility or area. In adopting rules and regulations, the secretary  
41 may specify sites, areas or facilities where the environmental impact is  
42 minimal and may waive such preparation requirements provided that a  
43 review of such plans is conducted by a professional engineer licensed to

In line 31, delete "and" and in its place insert "or"

3-6

In line 8, delete "As a condition of granting" and insert in its place "Before issuing or renewing"

1 practice in Kansas.

2 (g) Each permit granted by the secretary, as provided in this act, shall  
3 be subject to such conditions as the secretary deems necessary to protect  
4 human health and the environment and to conserve the sites. Such con-  
5 ditions shall include approval by the secretary of the types and quantities  
6 of solid waste allowable for processing or disposal at the permitted  
7 location.

Also in line 8, insert "a" to replace "any" and insert "solid waste" before "processing"

In line 9, insert "solid waste" before "disposal" and delete "for solid waste"

8 (h) ~~As a condition of granting a permit to operate any processing~~  
9 ~~facility or disposal area for solid waste, the secretary shall require the~~  
10 ~~permittee to: (1) Provide a trust fund, surety bond guaranteeing pay-~~  
11 ~~ment, irrevocable letter of credit or insurance policy, to pay the costs of~~  
12 ~~closure and postclosure care, or (2) pass a financial test or obtain a finan-~~  
13 ~~cial guarantee from a related entity, to guarantee the future availability~~  
14 ~~of funds to pay the costs of closure and postclosure care. The secretary~~  
15 ~~shall prescribe the methods to be used by a permittee to demonstrate~~  
16 ~~sufficient financial strength to become eligible to use a financial test or a~~  
17 ~~financial guarantee procedure in lieu of providing the financial instru-~~  
18 ~~ments listed in (1) above. Solid waste processing facilities or disposal~~  
19 ~~areas, except municipal solid waste landfills, may also demonstrate finan-~~  
20 ~~cial assurance for closure and postclosure care costs by use of ad valorem~~  
21 ~~taxing power, in addition, the secretary shall require the permittee to~~  
22 ~~provide liability insurance coverage during the period that the facility or~~  
23 ~~area is active, and during the term of the facility or area is subject to~~  
24 ~~postclosure care, in such amount as determined by the secretary to insure~~  
25 ~~the financial responsibility of the permittee for accidental occurrences at~~  
26 ~~the site of the facility or area. Any such liability insurance as may be~~  
27 ~~required pursuant to this subsection or pursuant to the rules and regu-~~  
28 ~~lations of the secretary shall be issued by an insurance company author-~~  
29 ~~ized to do business in Kansas or by a licensed insurance agent operating~~  
30 ~~under authority of K.S.A. 40-246b, and amendments thereto, and shall~~  
31 ~~be subject to the insurer's policy provisions filed with and approved by~~  
32 ~~the commissioner of insurance pursuant to K.S.A. 40-216, and amend-~~  
33 ~~ments thereto, except as authorized by K.S.A. 40-246b, and amendments~~  
34 ~~thereto. Nothing contained in this subsection shall be deemed to apply~~  
35 ~~to any state agency or department or agency of the federal government.~~

In line 10, delete the colon and insert "demonstrate that funds are available to ensure payment of the cost of closure and postclosure care and provide liability insurance for accidental occurrences at the permitted facility." Following "(1)," insert "If the permittee owns the land where the solid waste processing facility or disposal area is located or the permit for the facility was issued before the date this act is published in the Kansas register, the permittee shall satisfy the financial assurance requirement for closure and postclosure care by providing"

Also in line 10, delete "Provide" and insert "a" before "surety"

In line 11, insert "an" before "irrevocable"

In lines 11 and 12, delete "to pay the costs of closure and postclosure care;"

In line 12, delete "(2) pass" and insert in its place "by passing"

Also in line 12, delete "obtain" and insert in its place "obtaining"

In line 14, delete "to pay the costs of closure and postclosure care"

In line 17, insert "other" between "the" and "financial"

In line 18, delete "listed in (1) above"

In line 20, delete "for closure and postclosure care"

36 (i) (1) Permits granted by the secretary as provided by this act shall  
37 not be transferable except as follows:

In line 21, insert "(2) If the permittee does not own the land where the solid waste processing facility or disposal area is located and the permit for the facility is issued after the date this act is published in the Kansas register, the permittee shall satisfy the financial assurance requirement for closure and postclosure care by providing a trust fund, a surety bond guaranteeing payment, or an irrevocable letter of credit."

38 (A) A permit for a solid waste disposal area may be transferred if the  
39 area is permitted for only solid waste produced on site from manufactur-  
40 ing and industrial processes or on-site construction or demolition activi-  
41 ties and the only change in the permit is a name change resulting from a  
42 merger, acquisition, sale, corporate restructuring or other business  
43 transaction.

In line 21, delete "In addition the" and insert in its place "(3) The"

Also in line 21, after "require" delete "the" and in its place insert "each" and insert "of a solid waste processing facility or disposal area" following "permittee"

1 (B) A permit for a solid waste disposal area or a solid waste processing  
2 facility may be transferred if the secretary approves of the transfer based  
3 upon information submitted to the secretary sufficient to conduct a back-  
4 ground investigation of the new owner as specified in subsections (c) and  
5 (d) of K.S.A. 65-3407, and amendments thereto, and a financial assurance  
6 evaluation as specified in subsection (h) of K.S.A. 65-3407, and amend-  
7 ments thereto. Such information shall be submitted to the secretary not  
8 more than one year nor less than 60 days before the transfer. If the  
9 secretary does not approve or disapprove the transfer within 30 days after  
10 all required information is submitted to the secretary, the transfer shall  
11 be deemed to have been approved.

12 (2) Permits granted by the secretary as provided by this act shall be  
13 revocable or subject to suspension whenever the secretary shall determine  
14 that the solid waste processing or disposal facility or area is, or has been  
15 constructed or operated in violation of this act or the rules and regulations  
16 or standards adopted pursuant to the act, or is creating or threatens to  
17 create a hazard to persons or property in the area or to the environment,  
18 or is creating or threatens to create a public nuisance, or upon the failure  
19 to make payment of any fee required under this act.

20 (3) The secretary also may revoke, suspend or refuse to issue a permit  
21 when the secretary determines that past or continuing violations of the  
22 provisions of K.S.A. 65-3409, subsection (c)(3) of K.S.A. 65-3407 or  
23 K.S.A. 65-3424b, and amendments thereto, have been committed by a  
24 permittee, or any principal, shareholder or other person capable of ex-  
25 ercising partial or total control over a permittee.

26 (j) Except as otherwise provided by subsection (i)(1), the secretary  
27 may require a new permit application to be submitted for a solid waste  
28 processing facility or a solid waste disposal area in response to any change,  
29 either directly or indirectly, in ownership or control of the permitted real  
30 property or the existing permittee.

31 (k) In case any permit is denied, suspended or revoked the person,  
32 city, county or other political subdivision or state agency may request a  
33 hearing before the secretary in accordance with K.S.A. 65-3412, and  
34 amendments thereto.

35 (l) (1) No permit to construct or operate a solid waste disposal area  
36 shall be issued on or after the effective date of this act if such area is  
37 located within ½ mile of a navigable stream used for interstate commerce  
38 or within one mile of an intake point for any public surface water supply  
39 system.

40 (2) Any permit, issued before the effective date of this act, to con-  
41 struct or operate a solid waste disposal area is hereby declared void if  
42 such area is not yet in operation and is located within ½ mile of a navi-  
43 gable stream used for interstate commerce or within one mile of an intake



1 point for any public surface water supply system.

2 (3) The provisions of this subsection shall not be construed to pro-  
3 hibit: (A) Issuance of a permit for lateral expansion onto land contiguous  
4 to a permitted solid waste disposal area in operation on the effective date  
5 of this act; (B) issuance of a permit for a solid waste disposal area for  
6 disposal of a solid waste by-product produced on-site; (C) renewal of an  
7 existing permit for a solid waste area in operation on the effective date  
8 of this act; or (D) activities which are regulated under K.S.A. 65-163  
9 through 65-165 or 65-171d, and amendments thereto.

10 (m) Before reviewing any application for a solid waste processing fa-  
11 cility or solid waste disposal area, the secretary shall require the following  
12 information as part of the application:

13 (1) Certification by the board of county commissioners or the mayor  
14 of a designated city responsible for the development and adoption of the  
15 solid waste management plan for the location where the processing facility  
16 or disposal area is or will be located that the processing facility or disposal  
17 area is consistent with the plan. This certification shall not apply to a solid  
18 waste disposal area for disposal of only solid waste produced on site from  
19 manufacturing and industrial processes or from on-site construction or  
20 demolition activities.

21 (2) If the location is zoned, certification by the local planning and  
22 zoning authority that the processing facility or disposal area is consistent  
23 with local land use restrictions or, if the location is not zoned, certification  
24 from the board of county commissioners that the processing facility or  
25 disposal area is compatible with surrounding land use.

26 (3) For a solid waste disposal area permit issued on or after July 1,  
27 1999, proof that the *permittee applicant either owns the land where the*  
28 *disposal area will be located or operates the solid waste disposal area for*  
29 *an adjacent or on-site industrial facility*, if the disposal area is: (A) A  
30 municipal solid waste landfill; or (B) a solid waste disposal area that has:  
31 (i) A leachate or gas collection or treatment system; (ii) waste containment  
32 systems or appurtenances with planned maintenance schedules; or (iii)  
33 an environmental monitoring system with planned maintenance sched-  
34 ules or periodic sampling and analysis requirements. This requirement  
35 shall not apply to a permit for lateral or vertical expansion contiguous to  
36 a permitted solid waste disposal area in operation on July 1, 1999, if such  
37 expansion is on land leased by the permittee before April 1, 1999.

38 Sec. 3. K.S.A. 65-3415b is hereby amended to read as follows: 65-  
39 3415b. (a) There is hereby imposed a state solid waste tonnage fee of  
40 \$1.00 for each ton or equivalent volume of solid waste disposed of at any  
41 solid waste disposal area in this state other than solid waste enumerated  
42 in subsection (c) or solid waste disposal authorized by the secretary pur-  
43 suant to subsection (a) of K.S.A. 65-3407c, and amendments thereto.

1 (b) There is hereby imposed a state solid waste tonnage fee of \$1.00  
2 for each ton or equivalent volume of solid waste transferred out of Kansas  
3 through a transfer station, other than waste enumerated in subsection (c).

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

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

7 (2) sludges from public drinking water supply treatment plants, when  
8 disposed of at a monofill permitted by the secretary;

9 (3) clean rubble;

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

13 (5) construction and demolition waste disposed of by the federal gov-  
14 ernment, by the state of Kansas, or by any city, county or other unit of  
15 local government in the state of Kansas, or by any person on behalf  
16 thereof; and

17 (6) industrial waste disposed of at a solid waste disposal area which  
18 is permitted by the secretary, ~~and is owned and operated by the or op-~~  
19 ~~erated by or for the industrial~~ facility generating the waste and *which is*  
20 used only for industrial waste generated by such *industrial* facility.

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

23 (e) The secretary of health and environment shall administer, enforce  
24 and collect the fee imposed by this section. The secretary shall have the  
25 authority to waive such fee when large quantities of waste are generated  
26 due to major natural disasters such as floods, tornados and fires unless  
27 persons paying such fees are able to recover such fees from the federal  
28 government. Except as otherwise provided by subsections (a) and (b), all  
29 laws and rules and regulations of the secretary of revenue relating to the  
30 administration, enforcement and collection of the retailers' sales tax shall  
31 apply to such fee insofar as they can be made applicable. The secretary  
32 of health and environment shall adopt any other rules and regulations as  
33 necessary for the efficient and effective administration, enforcement and  
34 collection thereof.

35 (f) The secretary of health and environment shall remit all moneys  
36 collected from fees imposed pursuant to subsections (a) and (b) to the  
37 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
38 amendments thereto. Upon receipt of each such remittance, the state  
39 treasurer shall deposit the entire amount in the state treasury to the credit  
40 of the solid waste management fund created by K.S.A. 65-3415a, and  
41 amendments thereto.

42 Sec. 4. K.S.A. 65-3407 and 65-3415b and K.S.A. 2005 Supp. 65-3402  
43 are hereby repealed.

1 Sec. 5. This act shall take effect and be in force from and after its  
2 publication in the Kansas register.

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Testimony in Opposition to S.B. 362  
Concerning Solid Waste Disposal Areas  
Before the Kansas Senate Natural Resources Committee  
January 19, 2006  
On behalf of  
The Kansas Chapter of Sierra Club

Madam Chair, members of the Committee, thank you for the opportunity to present testimony in opposition to S.B. 362 a bill introduced by Sunflower Rural Electric in the Senate Utilities Committee that is designed to change existing state statutes regarding disposal of solid waste. I am presenting this testimony on behalf of the Kansas Chapter of the Sierra Club. The Sierra Club is the largest grass roots environmental organization in the world with over 750,000 members including over 4,000 in Kansas, who work to preserve and protect the environment in their local areas, their state and throughout the U.S.

Sunflower Rural Electric is currently trying to expand its current coal fired generating capacity in southwest Kansas from approximately 630 megawatts to about 2,200 megawatts. To put it in perspective this will more than match Westar's 2,213 megawatt Jeffrey Energy Complex, itself one of the largest coal power complexes in the country. Sierra Club members have very strong concerns about this expansion of Sunflower's coal fired plants in Southwest Kansas. Sunflower's plants will burn coal from Wyoming in an area with one of the best wind resources in the world. Wyoming coal is heavily laden with mercury which is emitted from the smokestacks of coal fired plants and which contaminates soil and water many miles away from the site of the coal burning plant. Currently Missouri has a mercury advisory for all its streams and lakes. Kansas is currently listed as 18<sup>th</sup> in the nation for mercury pollution. EPA's new mercury rule only requires Sunflower to capture about 25% of the mercury from its coal. The rest will travel with the prevailing winds toward northeast Kansas and beyond where there are much greater amounts of rainfall to deposit this toxic chemical onto the soil and water.

Sunflower has bought up 35,000 acres of farm ground and their associated water rights in an area of the state that lies over the Ogallala aquifer, which has been heavily depleted in the last 60 years, in order to boil water in their proposed coal fired plants. Most of this electricity is planned for the front range of Colorado. In short, Sunflower plans to burn Wyoming coal in one of the windiest areas in the world, boil water from the depleted Ogallala aquifer, send the air pollution to northeast Kansas and beyond and send the electricity to Colorado.

*Senate Natural Resources  
1-19-06  
Attachment 4*

Burning coal also produces ash. It is common for utilities to bury this ash byproduct as an industrial waste on land that the utility owns. For example, in Lawrence Westar is in the process of expanding its landfill to handle ash generated from its coal fired generating plant on the Kansas River. Westar's landfill is on land owned by Westar and is operated by Westar. Under current law an industrial landfill must be on land owned by the industry. Sunflower would propose to change the law to allow an its industrial landfill to be **operated** by a different company (an LLC) than Sunflower. Under their proposal Sunflower may not actually own the land that contains the ash from their coal plants.

Furthermore, current law exempts the owner of an industrial landfill from the solid waste tonnage fee (also known as a tipping fee) of \$1.00 per ton if the industrial waste disposed of at the landfill is owned and operated by the facility generating the waste and used only for industrial waste generated by that facility. Sunflower proposes to change that portion of the current law to allow exemption from the tipping fee for an industrial landfill operated, but not owned, for the industry.

So why is Sunflower proposing to change these laws? The answer is to avoid long term liability for any future harm done to others from discharges from the landfills holding ash produced from Sunflower's coal plants. If there is a limited liability company that operates the landfill that holds the ash it is harder to come after that limited liability company if something goes wrong with the landfill. If Sunflower owns the land and operates the landfill then the company is liable for any harm done by the landfill. Who would be liable if mercury or other pollution leaks out of a landfill containing ash from Sunflower's coal plants into the Ogallala aquifer or into the Arkansas River alluvial aquifer? If the legislature does what Sunflower wants then it will be almost impossible to find the responsible party because the operator of the landfill may be long gone. And Sunflower will be shielded from liability because they don't own the land that the landfill sits on nor did they operate the landfill.

Clearly this is an example of the old adage "if it ain't broke, don't fix it." The legislature should proceed with caution in changing the current law designed to allow industrial landfills to be operated by the owners of the industry who also own the land that the landfill is located on and are responsible for any harm done to others from the operation of their landfill. Don't allow Sunflower to play corporate shell games and escape the responsibility for its own actions.

Thank you for your time and attention. I would be happy to stand for questions.

REPORT TO THE  
HOUSE ENVIRONMENT COMMITTEE  
AND  
SENATE NATURAL RESOURCES COMMITTEE

STATUS OF THE  
DRYCLEANER ENVIRONMENTAL RESPONSE ACT  
JANUARY 1 - NOVEMBER 30, 2005

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT  
DIVISION OF ENVIRONMENT  
BUREAU OF ENVIRONMENTAL REMEDIATION

December 22, 2005

*Senate Natural Resources*  
*1-19-06*  
*Attachment 5*

This report fulfills the statutory requirement for a report to the Committees concerning the implementation of the Kansas Drycleaner Environmental Response Act (K.S.A. 1995 Supp. 65-34,141 et seq). As stated in K.S.A.65-34, 154: On or before the first day of the regular legislative session each year, the secretary shall submit to the members of the standing committees on energy and natural resources of the house of representatives and the senate a report regarding a) receipts of the fund during the proceeding calendar year and the sources of the receipts; b) disbursements from the fund during the preceding calendar year and the purposes of the disbursements; c) the extent of corrective action taken under this act during the preceding calendar year; and d) the prioritization of sites for expenditures from the fund.

## Receipts

The receipts of the fund during the proceeding calendar year totaled \$1,290,867. Receipts were generated by the environmental surcharge paid by customers at drycleaning facilities, a solvent fee paid by drycleaners, a registration fee for drycleaners facilities, a deductible for drycleaners that are in the Drycleaner Trust Fund, penalties, and interest on the balance in the fund (Table 1).

## Disbursements

The fund disbursed . . . (Table 2).

## Corrective Actions

In 2005, KDHE performed corrective actions at several drycleaning facilities in 23 cities throughout the state. Actions were taken or continued in Abilene, Atchinson, Concordia, Colby, Derby, Downs, Emporia, Garden City, Goodland, Hays, Hugoton, Hutchinson, Liberal, Manhattan, McPherson, Neodesha, Newton, Pratt, Salina, Smith Center, Topeka, Wamego, and Wichita. A variety of actions were performed including soil and groundwater investigation, designs of remedial systems, the construction of large and small treatment systems to address the contamination, and supplying affected households with clean drinking water.

A drycleaning facility in Colby had contaminated the soil and/or groundwater. The contamination is being partially remediated by a groundwater remediation system in the general area. A source investigation was conducted and additional investigation and remediation activities will be evaluated next year.

Concordia had three drycleaning facilities that contaminated the soil and/or groundwater. One of the sites had a groundwater remedial system installed by the property owner and site remediation has been completed. The site is in long-term monitoring. An assessment has been completed at the second site and will it will be moved to long-term monitoring. A preliminary investigation was completed at the third site to confirm groundwater contamination. Future full-scale assessment is warranted.

Five drycleaning facilities in Derby are being worked and they are sources for two separate

next calendar year. Three source areas have been remediated and are in long-term monitoring

A public well in Manhattan has been impacted by two drycleaning facilities. The assessments of these sites and final report have been completed. KDHE is conducting a pilot study to evaluate the potential of bioremediating the source area and groundwater plume.

Releases from a drycleaning facility in Neodesha have contaminated soil and groundwater. KDHE has completed an assessment of the site. A pump and treat groundwater remedial system has been installed and has been operational for a year.

Salina has seven public water supply wells impacted by drycleaning facilities. Five separate contamination plumes have been defined. KDHE entered into a Consent Order with the City to design and install a groundwater remediation system at the Salina water treatment plant. The system is successfully treating the water to achieve drinking water standards. KDHE's Underground Storage Tank Trust Fund joined the Drycleaner Trust Fund in addressing these sites because gasoline service stations also contributed to the contamination. The Drycleaner Trust Fund has installed five soil remediation systems in the drycleaning source areas. Three of the systems were shut down after successfully cleaning up the sites. The Drycleaner Trust Fund has also completed a large soil excavation project at one of the source areas.

An assessment has been completed and monitoring wells installed for Scotch Cleaners in Topeka. A remediation design is underway for the source area. The groundwater is also being monitored.

Wichita has eleven drycleaning sites being actively addressed by the Trust Fund. Two former drycleaning facilities at the Quick and Easy Site have contaminated groundwater seeping into the surface water of a nearby creek. KDHE completed an assessment of the site and installed a soil remediation system that has been operational for six years. A groundwater remediation pilot study has been completed at the site. The study consisted of injecting sodium permanganate into the groundwater to oxidize the contaminants. KDHE is monitoring groundwater at the study area to document reductions in contaminants.

KDHE entered into a consent agreement with the City for two drycleaning facilities in the Gilbert and Mosley Site. The Trust Fund will reimburse the city its' proportional costs for the two drycleaning facilities in the regional groundwater treatment system. The Trust Fund is also responsible for installing source area treatment systems at the two facilities. These two remedial systems are currently being installed and should be operational next year.

The Trust Fund has completed an assessment at the Lee's Cleaners / Dutchmaid Sites and delineated the groundwater plume. KDHE reimbursed the City of Wichita for the installation of a public drinking water line and the connection of impacted residents to the public drinking water system. A soil vapor extraction remediation system has been installed at the Dutchmaid source area to reduce contaminants and prevent migration of vapors to nearby residents. KDHE will conduct



Table 1. Receipts for Calendar Year 2005 (through November 2005)

Environmental Surcharge	\$ 1,058,093.59
Solvent Fee	\$ 110,881.76
Registration Fee	\$ 13,800.00
Deductible Payments and Penalties	\$ 21,250.00
Interest	\$ 86,841.98
<b>TOTAL</b>	<b>\$ 1,290,867.33</b>

TABLE 3  
LIST OF DRYCLEANING SITES  
As of December 9, 2005

City	Facility/Site Name	Address
1 Abilene	Pick One Hour Cleaners	315 NE 14th St
2 Atchison	Nestlers Cleaners	716 Commercial
3 Cimarron	Cimarron Cleaners	116 N. Main
4 Colby	Careful Cleaners	455 N Lake Ave
5 Concordia	Riteway Cleaners	112 E 6th St
6 Concordia	Riteway Cleaners	217 W 3rd St
7 Concordia	Riteway Cleaners	301 W 6th St
8 Council Grove	Ideal Cleaners	316 W. Main
9 Council Grove	Taylor Cleaners	320 W. Main
10 Derby	Best	401 E Madison
11 Derby	EZ Laundry	105 S Baltimore
12 Derby	One Hour Martinizing	832 El Paso Village
13 Derby	Rays Cleaners	117 1/2 S Baltimore
14 Derby	Vans Laundry	421 E Madison
15 Derby	Lees Cleaners	425 E. Madison
16 Downs	Headley	818 Morgan
17 Ellinwood	A & B Laundrymat - Ellinwood	US 56 & Schiller St
18 Emporia	Clothes Cleaners	804 W 6th
19 Emporia	Four Seasons	317 W 6th
20 Emporia	Spic-N-Span	915 Commercial
21 Emporia	Spic-N-Span	17th W 14th
22 Garden City	Garden City Laundry	410 N 8th St
23 Garden City	Penny/Stroh Cleaners	106-110 N Main
24 Garden City	Penny/Stroh Cleaners Co	2501 N Fleming
25 Goodland	Kam Car Wash	821 Main
26 Goodland	Model Steam Laundry	1525 Main St
27 Hays	Norge's Dry Cleaners	1015 Centennial Blvd
28 Hays	Royal T Cleaners	108 Centennial Center
29 Hays	Suburban Dry Cleaners	1207 Cedar St.
30 Hesston	Bennetts Laundry	400 N Lancaster
31 Hugoton	Lamont	505 S. Main St
32 Hutchinson	American Uniform	2500 N Main
33 Hutchinson	Ineeda	1224 N. Main
34 Hutchinson	Ineeda - Northgate	525 E. 30th
35 Hutchinson	One Hour Martinizing - Hutch	2526 N. Main
36 Hutchinson	Saylor Cleaners	600 N Adams
37 Independence	Laundry Center	118 West Locust
38 Kansas City	One Hour Martinizing	3047 State St.
39 LaCrosse	E-Z Clean	1022 Main
40 Lawrence	Scotch Cleaners	611 Florida
41 Leavenworth	Norge Village	711 Delaware
42 Lenexa	Lenexa Laundry	13114 Santa Fe Rd.
43 Lenexa	Oak Park	12230 W 95th St
44 Lenexa	Plaza Ford-Ideal	14900 W. 87th St.
45 Lenexa	Pride Cleaners	9582 Quivira Rd
46 Lenexa	Pride Cleaners	8740 Lackman
47 Lenexa	Pride Cleaners	7824 Quivira
48 Liberal	Quality Laundry & Cleaners	1036 N Kansas Ave
49 Lyons	Wee Care Laundrymat	315 E Ave N
50 Manhattan	Cinderella Cleaners	1227 Bluemont Ave
51 Manhattan	Coin-O-Matic Laundry	304 Fremont
52 Manhattan	Stichel Cleaners	714 N 12th St
53 McPherson	Giant Wash	507 N Main
54 McPherson	Tidy Laundry	414 W Kansas
55 Mission	Duggins Cleaners	5918 Broadmoor
56 Mission	Fashion Care	6620 Martway
57 Mission	Pride Cleaners #31005	5438 Johnson Dr
58 Mission	Pride Cleaners	5924 Broadmore
59 Oodesha	Benilys Garment Care	1110 N 8th St
60 New Century	Parsonitt Dryclean	100 Roeland Park Drive

City	Facility/Site Name	Address
61 Newton	Best Cleaners	201 W Broadway
62 Newton	Corner Cleaners	106 First St
63 Newton	Norms	1726 N Main St
64 Olathe	Imperial	102 S. Claiborne
65 Olathe	Pride	117 S. Mur Len
66 Overland Park	Pride Cleaners	10330 Metcalf
67 Overland Park	Superior Cleaners	9529 Antioch Rd
68 Overland Park	Warren & Sons Cleaners	9044 Metcalf Ave
69 Prairie Village	Tower Prairie Village	3930 W 69th Terr
70 Pratt	Deluxe Cleaners	914 E First St
71 Salina	Express	540 S Santa Fe
72 Salina	Fast One Hour	1208 S Santa Fe
73 Salina	One Hour Martinizing	1501 S 9th
74 Salina	Southgate Coin Laundry	2013 S Ohio
75 Salina	Stewarts	211 S Santa Fe
76 Salina	Wardrobe Cleaners	245 N Santa Fe
77 Shawnee	Pride Cleaners	11226 W 75th St
78 Shawnee	Star Cleaners	7470 Nieman Rd
79 Smith Center	Easy Wash Laundry	117 E Kansas
80 Topeka	Scotch Cleaners	134 Quincy St.
81 Topeka	Village Cleaners	202 SW Seabrook
82 Wamego	PAL Co., Inc	405 Lincoln
83 Wichita	ABC Cleaners-Giant Wash	2620 E21st
84 Wichita	Acme Cleaners	1615 Edgemoor
85 Wichita	A-One Cleaners	2424 E 9th St
86 Wichita	Apparel Masters	353 N Indiana
87 Wichita	Artistic Services	1612 E Harry St
88 Wichita	Best Cleaners	6522 E Central
89 Wichita	Best Cleaners	6160 East 21st St North, Ste. 100
90 Wichita	Best Cleaners	1212 Rock Rd
91 Wichita	Best Cleaners	1614 S Broadway
92 Wichita	Best Cleaners	8526 W 13th North
93 Wichita	Best/Pride Cleaners	2120 N Woodlawn
94 Wichita	Cowboy (Prairie Village)	6165 E 13th St
95 Wichita	Discount Cleaners	248 N. West St.
96 Wichita	Dutchmaid Cleaners	3220 S Seneca
97 Wichita	Dutchmaid Coin	2818 S Hydraulic
98 Wichita	Eastside Cleaners	525 N Edgemoor
99 Wichita	Four Seasons-Wichita	646 N West St
100 Wichita	Hillside Laundry	1890 S. Hillside
101 Wichita	Jet Cleaners	2811 S Hydraulic
102 Wichita	Jim Morgan's Fine Cleaners	3108 W. 13th St. N.
103 Wichita	Lees Cleaners	1110 W 31st South
104 Wichita	Magic Carpet Laundry & Dry Cleaner	5602 E Harry
105 Wichita	Mikes	2910 E. Douglas
106 Wichita	Morgan Dry Clean	5407 E Kellogg
107 Wichita	Prestige Cleaners	511 N Woodlawn
108 Wichita	Prestige Cleaners/Best Cleaners 2037	2939 Rock Rd, Ste. 150
109 Wichita	Pride (Tallgrass Shopping Center)	2240-2250 N. Rock Rd
110 Wichita	Ryan's Cleaners	1806 East 13th Street
111 Wichita	Terris Cleaners	2414 E 17th St
112 Wichita	Tommies Cleaners	813 S Woodlawn
113 Wichita	Waco Handi Wash	1008 N Waco St
114 Wichita	Welch Cleaners	3203 E Harry
115 Wichita	Quick & Easy	1557 S. Hydraulic
116 Wichita	Speltz Laundromat	1920 West McArthur
117 Winfield	Monarch Dry Clean	114 E 8th St
118 Winfield	Winfield Laundry & Cleaners	610 Main Street