

SESSION OF 2004

**SUPPLEMENTAL NOTE ON SUBSTITUTE  
FOR HOUSE BILL NO. 2123**

As Recommended by House  
Committee on Tourism and Parks

**Brief\***

Sub. for HB 2123 relates to solid waste. The bill provides that no permit to construct or operate a solid waste disposal area could be issued by the Secretary of Health and Environment on or after the effective date of the act if:

- ! the area is located within three miles of a stream with an average annual mean streamflow of more than 50 cubic feet per second, as measured at the nearest United States Geological Survey gauging station;
- ! the Secretary, after consultation with the Kansas Geological Survey, determines that within 15 miles of the area there is a location which would be appropriate for a solid waste disposal area and which would have less potential for water pollution.

These provisions could not be construed to prohibit:

- ! issuance of a permit for lateral expansion onto land contiguous to a permitted solid waste disposal area in operation on the effective date of the act;
- ! issuance of a permit for a solid waste disposal area for disposal of a solid waste by-product produced on-site;
- ! renewal of an existing permit for a solid waste disposal area in operation on the effective date of the act;
- ! activities regulated under KSA 65-163 through 65-165 or 65-171 d

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

(statutes pertaining to public water supply systems, water treatment residues, and prevention of water pollution).

The bill would also provide that before issuing any permit to construct or operate a solid waste disposal area within three miles of a stream with an average annual mean streamflow of more than 50 cubic feet per second, as measured at the nearest United States Geological Survey gauging station, the Secretary must contract for a hydrological evaluation of the proposed solid waste disposal area to be performed by an independent professional geologist licensed to practice in Kansas. The Secretary may use the evaluation in lieu of a hydrological evaluation performed by the applicant. The cost of the evaluation would be paid by the applicant.

## **Background**

The original HB 2123 pertained to hunting on certain land without permission when in pursuit of a wounded animal.

No fiscal note was available when the committee took action on the bill.