

## HOUSE BILL No. 2085

By Committee on Water

Requested by Leo Henning on behalf of the Department of Health and Environment

1-23

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1 AN ACT concerning livestock; relating to the department of health and  
2 environment; extending the expiration of permits issued under the  
3 water pollution control permit system from five to 10 years; allowing  
4 the secretary to issue permits for terms of less than 10 years, if valid  
5 cause exists; amending K.S.A. 65-166a and repealing the existing  
6 section.  
7

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

9 Section 1. K.S.A. 65-166a is hereby amended to read as follows: 65-  
10 166a. (a) The secretary of health and environment is authorized and  
11 directed to establish by duly adopted rules or regulations a schedule of fees  
12 to defray all or any part of the costs of administering the water pollution  
13 control permit system established by K.S.A. 65-165 and 65-166, and  
14 amendments thereto. The amount of the fees so established shall be based  
15 upon the quantity of raw wastes or treated wastes to be discharged, units of  
16 design capacity of treatment facilities or structures, numbers of potential  
17 pollution units, physical or chemical characteristics of discharges and staff  
18 time necessary for review and evaluation of proposed projects. In  
19 establishing the fee schedule, the secretary of health and environment shall  
20 not assess fees for permits required in the extension of a sewage collection  
21 system, but such fees shall be assessed for all treatment devices, facilities  
22 or discharges where a permit is required by law and is issued by the  
23 secretary of health and environment or the secretary's designated  
24 representative. Such fees shall be nonrefundable.

25 (b) Any such permit for which a fee is assessed shall expire ~~five~~ 10  
26 years from the date of its issuance. The secretary of health and  
27 environment may issue permits pursuant to K.S.A. 65-165, and  
28 amendments thereto, for terms of less than ~~five~~ 10 years, if the secretary  
29 determines valid cause exists for issuance of the permit with a term of less  
30 than ~~five~~ 10 years. The minimum fee assessed for any permit issued  
31 pursuant to K.S.A. 65-165, and amendments thereto, shall be for not less  
32 than one year. Permit fees may be assessed and collected on an annual  
33 basis and failure to pay the assessed fee shall be cause for revocation of  
34 the permit. Any permit ~~which~~ that has expired or has been revoked may be

1 reissued upon payment of the appropriate fee and submission of a new  
2 application for a permit as provided in K.S.A. 65-165 and 65-166, and  
3 amendments thereto.

4 (c) A permit shall be required for:

5 (1) Any confined feeding facility with an animal unit capacity of 300  
6 ~~to~~ *through* 999, if the secretary determines that the facility has significant  
7 water pollution potential; and

8 (2) any confined feeding facility with an animal unit capacity of  
9 1,000 or more.

10 (d) At no time shall the annual permit fee for a confined feeding  
11 facility exceed:

12 (1) \$25 for facilities with an animal unit capacity of not more than  
13 999;

14 (2) \$100 for facilities with an animal unit capacity of 1,000 ~~to~~  
15 *through* 4,999;

16 (3) \$200 for facilities with an animal unit capacity of 5,000 ~~to~~  
17 *through* 9,999; or

18 (4) \$400 for facilities with an animal unit capacity of 10,000 or more.

19 (e) Annual permit fees for any truck washing facility for animal  
20 wastes shall be as follows:

21 (1) For a private truck washing facility for animal wastes with two or  
22 fewer trucks, not more than \$25;

23 (2) for a private truck washing facility for animal wastes with three or  
24 more trucks, not more than \$200; and

25 (3) for a commercial truck washing facility for animal wastes, not  
26 more than \$320.

27 (f) The secretary of health and environment shall remit all moneys  
28 received from the fees established pursuant to this act to the state treasurer  
29 in accordance with the provisions of K.S.A. 75-4215, and amendments  
30 thereto. Upon receipt of each such remittance, the state treasurer shall  
31 deposit the entire amount in the state treasury to the credit of the water  
32 program management fund created in K.S.A. 65-166b, and amendments  
33 thereto.

34 (g) Any confined feeding facility with an animal unit capacity of ~~less~~  
35 *fewer* than 300 may be required to obtain a permit from the secretary if the  
36 secretary determines that such facility has significant water pollution  
37 potential.

38 (h) Any confined feeding facility not otherwise required to obtain a  
39 permit or certification may obtain a permit or certification from the  
40 secretary. Any such facility obtaining a permit shall pay an annual permit  
41 fee of not more than \$25.

42 Sec. 2. K.S.A. 65-166a is hereby repealed.

43 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.