

HOUSE BILL No. 2549

By Committee on Agriculture and Natural Resources

1-31

1 AN ACT concerning hazardous waste; relating to burial on-site; amending
2 K.S.A. 2013 Supp. 65-3458 and repealing the existing section.

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

5 Section 1. K.S.A. 2013 Supp. 65-3458 is hereby amended to read as
6 follows: 65-3458. (a) The underground burial of hazardous waste produced
7 by persons generating quantities of such waste greater than those specified
8 in K.S.A. 65-3451, and amendments thereto, is prohibited except as
9 provided by order of the secretary of health and environment issued
10 pursuant to this act. Such prohibition shall not be construed as prohibiting
11 (1) mound landfill, (2) aboveground storage, (3) land treatment ~~or~~, (4)
12 underground injection of hazardous waste *or* (5) *on-site disposal or*
13 *consolidation of solid and hazardous wastes, including soils, sediments*
14 *and debris, if the wastes are generated as the result of a clean-up,*
15 *approved by the secretary, at the site, which may include adjacent or*
16 *nearby property under separate ownership that is part of the approved*
17 *clean-up. Any existing hazardous waste facility which utilizes*
18 *underground burial shall cease such practice and, with the approval of the*
19 *secretary, shall implement closure and postclosure plans for all units of the*
20 *facility in which hazardous wastes have been disposed of underground.*

21 (b) (1) The secretary shall decide whether or not an exception to the
22 prohibition against underground burial of hazardous waste shall be granted
23 for a particular hazardous waste. No decision to grant an exception shall be
24 rendered unless it is demonstrated to the secretary that, except for
25 underground burial, no economically reasonable or technologically
26 feasible methodology exists for the disposal of a particular hazardous
27 waste. The procedures for obtaining an exception to the prohibition against
28 underground burial of hazardous waste shall include a public hearing
29 conducted in accordance with the provisions of the Kansas administrative
30 procedure act and such other procedures as are established and prescribed
31 by rules and regulations adopted by the secretary. Such rules and
32 regulations shall include requirements for the form and contents of a
33 petition desiring an exception.

34 (2) Within 90 days after submission of a petition desiring an
35 exception, and if the secretary decides to grant an exception to the
36 prohibition against underground burial of hazardous waste, the secretary of

1 health and environment shall issue an order so providing. Any action by
2 the secretary pursuant to this section is subject to review in accordance
3 with the Kansas judicial review act.

4 Sec. 2. K.S.A. 2013 Supp. 65-3458 is hereby repealed.

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