

As Amended by Senate Committee

Session of 2012

SENATE BILL No. 375

By Committee on Natural Resources

2-2

1 AN ACT concerning solid waste; relating to permit exemptions; amending
2 K.S.A. 2011 Supp. 65-3407c and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2011 Supp. 65-3407c is hereby amended to read as
6 follows: 65-3407c. (a) The secretary may authorize persons to carry out
7 the following activities without a solid waste permit issued pursuant to
8 K.S.A. 65-3407, and amendments thereto:

9 (1) Dispose of solid waste at a site where the waste has been
10 accumulated or illegally dumped. Disposal of some or all such waste must
11 be identified as an integral part of a site cleanup and closure plan
12 submitted to the department by the person responsible for the site. No
13 additional waste may be brought to the site following the department's
14 approval of the site cleanup and closure plan.

15 (2) Perform temporary projects to remediate soils contaminated by
16 organic constituents capable of being reduced in concentration by
17 biodegradation processes or volatilization, or both. Soil to be treated may
18 be generated on-site or off-site. A project operating plan and a site closure
19 plan must be submitted to the department as part of the project approval
20 process.

21 (3) Dispose of demolition waste resulting from demolition of an
22 entire building or structure if such waste is disposed of at, adjacent to or
23 near the site where the building or structure was located. Prior to the
24 department's authorization, written approval for the disposal must be
25 obtained from the landowner and the local governmental or zoning
26 authority having jurisdiction over the disposal site. The disposal area must
27 be covered with a minimum of two feet of soil and seeded, rocked or
28 paved. The final grades for the disposal site must be compatible with and
29 not detract from the appearance of adjacent properties. In addition to the
30 factors listed in subsection (b), the secretary shall consider the following
31 when evaluating requests for off-site disposal of demolition waste:

32 (A) Public safety concerns associated with the building or structure
33 proposed to be demolished.

34 (B) Proposed plans to redevelop the building site which would be
35 impacted by on-site disposal of debris.

36 (C) The disposal capacity of any nearby permitted landfill.

1 (4) Dispose of solid waste generated as a result of a transportation
2 accident if such waste is disposed of on property adjacent to or near the
3 accident site. Prior to the department's authorization, written approval for
4 the disposal must be obtained from the landowner and the local
5 governmental or zoning authority having jurisdiction over the disposal
6 site. A closure plan must be submitted to the department as part of the
7 authorization process.

8 (5) Dispose of whole unprocessed livestock carcasses on property at,
9 adjacent or near where the animals died if: (A) Such animals died as a
10 result of a natural disaster or their presence has created an emergency
11 situation; and (B) proper procedures are followed to minimize threats to
12 human health and the environment. Prior to the department's authorization,
13 written approval for the disposal must be obtained from the landowner and
14 the local governmental or zoning authority having jurisdiction over the
15 disposal site.

16 (6) Dispose of solid waste resulting from natural disasters, such as
17 storms, tornadoes, floods and fires, or other such emergencies, when a
18 request for disposal is made by the local governmental authority having
19 jurisdiction over the area. Authorization shall be granted by the department
20 only when failure to act quickly could jeopardize human health or the
21 environment. Prior to the department's authorization, written approval for
22 the disposal must be obtained from the landowner and the local
23 governmental or zoning authority having jurisdiction over the disposal
24 site. The local governmental authority must agree to provide proper
25 closure and postclosure maintenance of the disposal site as a condition of
26 authorization.

27 (7) Store solid waste resulting from natural disasters, such as storms,
28 tornadoes, floods and fires, or other such emergencies, at temporary waste
29 transfer sites, when a request for storage is made by the local
30 governmental authority having jurisdiction over the area. Authorization
31 shall be granted by the department only when failure to act quickly could
32 jeopardize human health or the environment. Prior to the department's
33 authorization, written approval for the storage must be obtained from the
34 landowner and the local governmental or zoning authority having
35 jurisdiction over the storage site. The local governmental authority must
36 agree to provide proper closure of the storage and transfer site as a
37 condition of authorization.

38 ~~(8) Dispose of drilling fluids and solids generated from drilling~~
39 ~~activities associated with oil and gas exploration and production solid~~
40 **waste generated by drilling oil and gas wells by land-spreading in**
41 **accordance with best management practices and maximum loading rates**
42 **developed by the secretary and published on the department website. For**
43 **any area that annually receives more than 25 inches of precipitation, as**

1 *determined by the department, any solid waste disposed of by land*
2 *spreading shall be incorporated into the soil. No land spreading shall*
3 *occur on any area where the water table is less than 10 feet or on any*
4 *area where there is documented groundwater contamination as*
5 *determined by the department. Each separate land-spreading location*
6 *shall require submission of an application to land-spread drilling waste,*
7 *complete with all information required on the application form developed*
8 *by the secretary. The contents of the application form shall include, but*
9 *are not limited to, the land-spreading location, soil characteristics, waste*
10 *characteristics, waste volumes, **drilling mud additives**, land-spreading*
11 *method and post-land-spreading report. A separate land-spreading*
12 *application and a post-land-spreading report shall be submitted for each*
13 *location. The secretary and the ~~Kansas~~ state corporation commission*
14 *shall enter into a memorandum of agreement for the purposes of:*

15 (A) *Administering the land-spreading application and approval*
16 *process;*

17 (B) *monitoring compliance; and*

18 (C) *establishing mechanisms for enforcement and remedial actions.*

19 *For the purposes of protecting the health, safety and property of the*
20 *people of the state, and preventing surface and subsurface water pollution*
21 *and soil pollution detrimental to public health or to the plant, animal and*
22 *aquatic life of the state, a land-spreading application may not be approved*
23 *for the same location unless a minimum of three years has passed since*
24 *the previous land spreading occurred. A fee of \$250 shall be paid to the*
25 *~~Kansas~~ state corporation commission with each drilling waste land-*
26 *spreading application. The fee shall be remitted to the state treasurer in*
27 *accordance with K.S.A. 75-4215, and amendments thereto, to be credited*
28 *to the conservation fee fund. **On or before January 30, 2013 and 2014,***
29 ***the state corporation commission shall present a report on the costs***
30 ***associated with the regulation of land spreading pursuant to this section***
31 ***to the senate standing committees on natural resources and ways and***
32 ***means and to the house standing committees on agriculture and natural***
33 ***resources and appropriations.***

34 (b) *The secretary shall consider the following factors when*
35 *determining eligibility for an exemption to the solid waste permitting*
36 *requirements under this section:*

37 (1) *Potential impacts to human health and the environment.*

38 (2) *Urgency to perform necessary work.*

39 (3) *Costs and impacts of alternative waste handling methods.*

40 (4) *Local land use restrictions.*

41 (5) *Financial resources of responsible parties.*

42 (6) *Technical feasibility of proposed project.*

43 (7) *Technical capabilities of persons performing proposed work.*

1 (c) The secretary may seek counsel from local government officials
2 prior to exempting activities from solid waste permitting requirements
3 under this section.

4 Sec. 2. K.S.A. 2011 Supp. 65-3407c 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~~ *Kansas register*.