

SENATE BILL No. 152

By Committee on Agriculture and Natural Resources

2-12

Proposed Amendment for SB 152
Senate Committee on Agriculture and Natural Resources
January 29, 2020
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Office of Revisor of Statutes

1 AN/ACT concerning the department of health and environment; relating to
2 fees; underground injection control program; water well license and
3 construction program; amending K.S.A. 65-166b, 65-171d, 65-4513
4 and 65-4514 and K.S.A. 2018 Supp. 82a-1206 and repealing the
5 existing sections.
6

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

8 Section 1. K.S.A. 65-166b is hereby amended to read as follows: 65-
9 166b. (a) There is hereby created in the state treasury the water program
10 management fund. The secretary shall remit to the state treasurer, in
11 accordance with the provisions of K.S.A. 75-4215, and amendments
12 thereto, all moneys collected or received by the secretary from the
13 following sources:

14 (1) Water pollution control permit system fees imposed pursuant to
15 K.S.A. 65-166a, and amendments thereto;

16 (2) water well contractor application and license fees imposed
17 pursuant to K.S.A. 82a-1206, and amendments thereto;

18 (3) class I underground injection control well permitting, monitoring,
19 testing, inspection and regulation fees pursuant to K.S.A. 65-171d(p); and
20 amendments thereto;

21 (4) water supply system and wastewater treatment facility fees
22 pursuant to K.S.A. 65-4513, and amendments thereto;

23 (5) interest attributable to investment of moneys in the water program
24 management fund;

25 (3)(6) gifts, grants, reimbursements or appropriations intended to be
26 used for the purposes of the fund, but excluding federal grants and
27 cooperative agreements; and

28 (4)(7) any other moneys provided by law.

29 Upon receipt of each such remittance, the state treasurer shall deposit in
30 the state treasury any amount remitted pursuant to this subsection to the
31 credit of the water program management fund.

32 (b) Moneys in the water program management fund shall be
33 expended for the following purposes:

34 (1) Monitoring and investigating the quality of waters of the state;

35 (2) payment of the state's share of the clean water act matching costs,
36 as required by the federal clean water act, 33 U.S.C. § 1256(d);

and class 5

and (g)

1 a distance not less than the distance between the facility and the nearest
 2 habitable structure prior to the expansion and the animal unit capacity of
 3 the facility after expansion does not exceed 2,000.

4 (3) The separation distances required pursuant to subsections (j)(2)
 5 (C) and (D) and (h)(3) shall not apply to the following, as determined in
 6 accordance with ~~subsections~~ K.S.A. 65-1,178(a), (e) and (f), and
 7 amendments thereto:

8 (A) Expansion of an existing confined feeding facility for swine if an
 9 application for such expansion has been received by the department before
 10 March 1, 1998; and

11 (B) construction of a new confined feeding facility for swine if an
 12 application for such facility has been received by the department before
 13 March 1, 1998.

14 (m) The separation distances required by this section for confined
 15 feeding facilities for swine shall be determined from the exterior perimeter
 16 of any buildings utilized for housing swine, any lots containing swine, any
 17 swine waste retention lagoons or ponds or other manure or wastewater
 18 storage structures and any additional areas designated by the registrant for
 19 future expansion. Such separation distances shall not apply to offices,
 20 dwellings and feed production facilities of a confined feeding facility for
 21 swine.

22 (n) The registrant shall give the notice required by subsections (k)(2)
 23 (B) and (C) by certified mail, return receipt requested, to all owners of
 24 habitable structures within the separation distance. The registrant shall
 25 submit to the department evidence, satisfactory to the department, that
 26 such notice has been given.

27 (o) All plans and specifications submitted to the department for new
 28 construction or new expansion of confined feeding facilities may be, but
 29 are not required to be, prepared by a professional engineer or a consultant,
 30 as approved by the department. Before approval by the department, any
 31 consultant preparing such plans and specifications shall submit to the
 32 department evidence, satisfactory to the department, of adequate general
 33 commercial liability insurance coverage.

(1)

34 (p) ~~The secretary shall adopt rules and regulations to establish fees~~
 35 ~~for permitting, monitoring, testing, inspecting and regulating class 1~~
 36 ~~underground injection control wells, but in no case shall such fees exceed~~
 37 ~~\$400, except any facility fee, which shall not exceed \$4,000. The~~
 38 ~~secretary shall remit all moneys collected from such fees to the state~~
 39 ~~treasurer in accordance with the provisions of K.S.A. 75-4215, and~~
 40 ~~amendments thereto. Upon receipt of each such remittance, the state~~
 41 ~~treasurer shall deposit the entire amount in the state treasury to the credit~~
 42 ~~of the water program management fund established pursuant to K.S.A. 65-~~
 43 ~~166b, and amendments thereto.~~

(A) \$6,500 per active, hazardous waste injection well;

(B) \$4,500 per active, non-hazardous waste injection well; or

(C) \$1,000 for any hazardous or non-hazardous waste

injection well in monitoring or inactive status.

(2) The secretary shall provide for a reduction in such fees for facilities already subject to fees under K.S.A. 55-1,117(d), and amendments thereto.

(q) The secretary shall adopt rules and regulations to establish fees for permitting, monitoring, testing, inspecting and regulating class 5 underground injection control wells, but in no case shall such fees exceed \$2,000 per well.

(r)