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MEMORANDUM

To: House Committee on Energy, Utilities and Telecommunications
From: Office of Revisor of Statutes
Date: March 10, 2022
Subject: Senate Bill 417 – Bill Brief

Senate Bill 417 would establish new solid waste permit renewal fees for industrial waste landfills and surface impoundments that receive coal combustion residuals (CCR).

The Kansas Department of Health and Environment currently administers most of the federal solid waste program under Subtitle D of the the federal Resource Conservation and Recovery Act (RCRA) for municipal solid waste landfills. Recent federal regulations promulgated by the U.S. Environmental Protection Agency under Subtitle D established criteria and requirements for the disposal of CCRs and authorizes states to administer such CCR solid waste regulations.

Under current state law, solid waste disposal areas and processing facilities have an annual permit renewal fee of at least \$1,000 but not more than \$4,000 based upon the characteristics of the disposal area sites as determined by the secretary of KDHE.

SB 417 would create a separate fee for landfills and surface impoundments that provide for the disposal of CCRs at a minimum amount of \$12,000 and a maximum of \$16,000 as determined by the secretary in rules and regulations. The minimum fee would apply until a specific fee schedule is established by the secretary in rules and regulations. The first such permit fees would be due on September 1, 2022.

SB 417 would also provide that if a disposal facility or area is operating under a federally issued CCR permit, then the state's CCR permit fees would not apply to such facility. Additionally, SB 417 would provide that if a CCR disposal facility or area is closed and meets all federal and state closure requirements, then such facility or area would no longer be subject to the state's CCR permitting process.

SB 417 would take effect upon publication in the statute book.