

SENATE BILL No. 417

By Committee on Agriculture and Natural Resources

1-27

1 AN ACT concerning health and environment; relating to solid waste;
2 establishing minimum and maximum permit renewal fees for certain
3 disposal areas and processing facilities; amending K.S.A. 65-3407 and
4 repealing the existing section.
5

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

7 Section 1. K.S.A. 65-3407 is hereby amended to read as follows: 65-
8 3407. (a) Except as otherwise provided by K.S.A. 65-3407c, and
9 amendments thereto, no person shall construct, alter or operate a solid
10 waste processing facility or a solid waste disposal area of a solid waste
11 management system, except for clean rubble disposal sites, without first
12 obtaining a permit from the secretary.

13 (b) Every person desiring to obtain a permit to construct, alter or
14 operate a solid waste processing facility or disposal area shall make
15 application for such a permit on forms provided for such purpose by the
16 rules and regulations of the secretary and shall provide the secretary with
17 such information as necessary to show that the facility or area will comply
18 with the purpose of this act. Upon receipt of any application and payment
19 of the application fee, the secretary, with advice and counsel from the local
20 health authorities and the county commission, shall make an investigation
21 of the proposed solid waste processing facility or disposal area and
22 determine whether it complies with the provisions of this act and any rules
23 and regulations and standards adopted thereunder. The secretary also may
24 consider the need for the facility or area in conjunction with the county or
25 regional solid waste management plan. If the investigation reveals that the
26 facility or area conforms with the provisions of the act and the rules and
27 regulations and standards adopted thereunder, the secretary shall approve
28 the application and shall issue a permit for the operation of each solid
29 waste processing or disposal facility or area set forth in the application. If
30 the facility or area fails to meet the rules and regulations and standards
31 required by this act the secretary shall issue a report to the applicant stating
32 the deficiencies in the application. The secretary may issue temporary
33 permits conditioned upon corrections of construction methods being
34 completed and implemented.

35 (c) Before reviewing any application for permit, the secretary shall
36 conduct a background investigation of the applicant. The secretary shall

1 shall be exempt from payment of the fee but shall meet all other provisions
2 of this act.

3 (2) Except as provided in paragraph (3), the annual permit renewal
4 fee for a solid waste disposal area which that is permitted by the secretary,
5 owned or operated by the facility generating the waste and used only for
6 industrial waste generated by such facility shall be not less than \$1,000 ~~nor~~
7 and not more than \$4,000. In establishing fees for such disposal areas, the
8 secretary shall adopt a differential fee schedule based upon the
9 characteristics of the disposal area sites.

10 (3) For each solid waste disposal area and each solid waste
11 processing facility that is permitted by the secretary and subject to the
12 requirements of 40 C.F.R. 257 subpart D, as in effect on July 1, 2017, or
13 any later version adopted by reference by the secretary in rules and
14 regulations, the annual permit renewal fee shall be not less than \$12,000
15 and not more than \$16,000. The minimum fee shall apply until a fee
16 schedule is established by the secretary in rules and regulations. If a
17 single permit encompasses more than one solid waste disposal area or
18 solid waste processing facility, the fee shall be an amount equal to the sum
19 of the fees for each solid waste disposal area and each solid waste
20 processing facility encompassed in the permit. The first annual permit fee
21 is due on September 1, 2022.

22 (f) Plans, designs and relevant data for the construction of solid waste
23 processing facilities and disposal sites shall be prepared by a professional
24 engineer licensed to practice in Kansas and shall be submitted to the
25 department for approval prior to the construction, alteration or operation of
26 such facility or area. In adopting rules and regulations, the secretary may
27 specify sites, areas or facilities where the environmental impact is minimal
28 and may waive such preparation requirements provided that a review of
29 such plans is conducted by a professional engineer licensed to practice in
30 Kansas.

31 (g) Each permit granted by the secretary, as provided in this act, shall
32 be subject to such conditions as the secretary deems necessary to protect
33 human health and the environment and to conserve the sites. Such
34 conditions shall include approval by the secretary of the types and
35 quantities of solid waste allowable for processing or disposal at the
36 permitted location.

37 (h) (1) Before issuing or renewing a permit to operate a solid waste
38 processing facility or solid waste disposal area, the secretary shall require
39 the permittee to demonstrate that funds are available to ensure payment of
40 the cost of closure and postclosure care and provide liability insurance for
41 accidental occurrences at the permitted facility.

42 (2) If the permittee owns the land where the solid waste processing
43 facility or disposal area is located or the permit for the facility was issued

(A)

(B)

(C)

total

for the permit

subject to 40 C.F.R. 257 subpart D

(D)

(E) If such solid waste disposal area or solid waste processing facility is operating under a federally-issued coal combustion residuals (CCR) permit that includes all applicable requirements of 40 C.F.R. 257 subpart D then the fees provided in this paragraph shall no longer apply and such disposal area or facility shall be subject to the fees provided in paragraph (2).

(F) Upon a determination by the department of health and environment that such solid waste disposal area or solid waste processing facility has met all applicable post-closure care requirements of 40 C.F.R. 257 subpart D and article 29 of the Kansas administrative regulations then such disposal area or facility shall no longer be subject to permitting under this paragraph.