

SENATE BILL No. 124

By Committee on Natural Resources

2-2

1 AN ACT concerning solid waste disposal; relating to land-spreading of
2 drilling waste; amending K.S.A. 2014 Supp. 65-3407c and repealing
3 the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 65-3407c is hereby amended to read as
7 follows: 65-3407c. (a) The secretary may authorize persons to carry out
8 the following activities without a solid waste permit issued pursuant to
9 K.S.A. 65-3407, and amendments thereto:

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

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

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

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

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

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

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

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

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

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

39 (8) (A) Dispose of solid waste generated by drilling oil and gas wells
40 by land-spreading in accordance with best management practices and
41 maximum loading rates ~~developed~~ *established in rules and regulations*
42 *adopted* by the secretary ~~and published on the department website.~~

43 (B) For any area that annually receives more than 25 inches of

1 precipitation, as determined by the department, any solid waste disposed
2 of by land-spreading shall be incorporated into the soil. No land-spreading
3 shall 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 determined
5 by the department.

6 (C) (i) Each separate land-spreading location shall require submission
7 of an application to land-spread drilling waste, complete with all
8 information required on the application form developed by the secretary.
9 The contents of the application form shall include, but are not limited to,
10 the land-spreading location, soil characteristics, waste characteristics,
11 waste volumes, drilling mud additives, land-spreading method and post-
12 land-spreading report. A separate land-spreading application and a post-
13 land-spreading report shall be submitted for each location.

14 (ii) For the purposes of protecting the health, safety and property of
15 the people of the state, and preventing surface and subsurface water
16 pollution and soil pollution detrimental to public health or to the plant,
17 animal and aquatic life of the state, a land-spreading application may not
18 be approved for the same location unless a minimum of three years has
19 passed since the previous land spreading occurred.

20 (iii) A fee of \$250 shall be paid to the state corporation commission
21 with each drilling waste land-spreading application. The fee shall be
22 remitted to the state treasurer in accordance with K.S.A. 75-4215, and
23 amendments thereto, to be credited to the conservation fee fund.

24 (D) The secretary and the state corporation commission shall enter
25 into a memorandum of agreement for the purposes of:

26 (i) Administering the land-spreading application and approval
27 process;

28 (ii) monitoring compliance; and

29 (iii) establishing mechanisms for enforcement and remedial actions.

30 (E) ***The seller of any property where land-spreading has occurred***
31 ***pursuant to this paragraph shall disclose such land-spreading and the***
32 ***date thereof to any potential purchaser of such property.***

33 (F) On or before January 1, 2014, the secretary, in coordination with
34 the state corporation commission, shall adopt rules and regulations
35 governing land-spreading of waste generated by drilling oil and gas wells.
36 In developing such rules and regulations, the secretary and the state
37 corporation commission shall seek advice and comments from
38 groundwater management districts and other groups or persons
39 knowledgeable and experienced in areas related to this paragraph.

40 ~~(F) On or before January 30, 2013 and 2014, the state corporation~~
41 ~~commission shall present a report to the senate standing committees on~~
42 ~~natural resources and ways and means and to the house standing~~
43 ~~committees on agriculture and natural resources and appropriations. Such~~

1 ~~report shall include, but not be limited to, information concerning the~~
2 ~~implementation and status of land-spreading procedures and the costs~~
3 ~~associated with the regulation of land-spreading pursuant to this~~
4 ~~paragraph.~~

5 ~~(G) The provisions of this paragraph shall expire on July 1, 2015.~~

6 ***(G) On or before January 30 of each year, the state corporation***
7 ***commission shall present a report to the senate standing committees on***
8 ***natural resources and ways and means and to the house standing***
9 ***committees on agriculture and natural resources and appropriations.***
10 ***Such report shall include, but not be limited to, information concerning***
11 ***the implementation and status of land-spreading procedures and the***
12 ***costs associated with the regulation of land-spreading pursuant to this***
13 ***paragraph.***

14 (b) The secretary shall consider the following factors when
15 determining eligibility for an exemption to the solid waste permitting
16 requirements under this section:

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

18 (2) Urgency to perform necessary work.

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

20 (4) Local land use restrictions.

21 (5) Financial resources of responsible parties.

22 (6) Technical feasibility of proposed project.

23 (7) Technical capabilities of persons performing proposed work.

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

27 Sec. 2. K.S.A. 2014 Supp. 65-3407c is hereby repealed.

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