

2012 Kansas Statutes

65-3484. Same; conditions precedent to approval of application. (a) The secretary shall not approve any application unless the applicant has fee simple title to the property where the PCB disposal facility is to be located, free of any liens, easements, covenants or any other encumbrances on the title.

(b) The secretary shall not approve the application, unless the secretary finds on the basis of information submitted by the applicant or any interested party, that: (1) The proposed facility location: (A) Is suitable for the type and amount of PCB intended for treatment or disposal at the facility;

(B) provides protection to the public health and safety and environment of Kansas from the release of the PCB stored, treated or disposed of at the facility; and

(C) is situated a sufficient distance from populated residential areas and areas of urban residential growth to protect the public health and safety, accessible by transportation routes that minimize a threat to the public health and safety, and to the environment and sufficient distance from parks, wilderness and recreation areas to prevent adverse impacts on the public use and enjoyment of those areas.

(2) The proposed PCB disposal facility has no major adverse impact on either the public health and safety or the environment of adjacent lands.

(3) The owner, any parent company of the owner and the operator have adequate financial and technical capability to properly construct and operate the facility.

(4) The compliance history of the owner, including any parent company of the owner, and the operator in owning and operating other similar facilities, if any, indicates an ability and willingness to operate the proposed facility in compliance with state and federal law and any conditions imposed on the licensee by the secretary.

History: L. 1986, ch. 226, § 5; L. 1992, ch. 192, § 11; July 1.