

**SENATE BILL No. 331**

By Senator Kerschen

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1 AN ACT concerning health and environment; relating to public water  
2 supply systems and hazardous waste; removing the definition of lead-  
3 free and an exception for leaded joints from public water supply system  
4 laws; updating terminology relating to hazardous waste generated by  
5 certain persons; amending K.S.A. 65-171r, 65-3415, 65-3415a and 65-  
6 3460 and K.S.A. 2023 Supp. 65-3402 and repealing the existing  
7 sections.  
8

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

10 Section 1. K.S.A. 65-171r is hereby amended to read as follows: 65-  
11 171r. The following acts are prohibited:

12 (a) The operation of a public water supply system without first  
13 obtaining a valid public water supply system permit under K.S.A. 65-163,  
14 and amendments thereto;

15 (b) the operation of a public water supply system in violation of the  
16 conditions of the public water supply system permit under K.S.A. 65-163,  
17 and amendments thereto;

18 (c) the failure of a supplier of water under investigation to furnish  
19 information to the secretary under K.S.A. 65-163, and amendments  
20 thereto;

21 (d) the failure of a supplier of water to comply with any final order of  
22 the secretary issued under the provisions of K.S.A. 65-163 or 65-163a, and  
23 amendments thereto;

24 (e) the failure of a supplier of water to comply with a primary  
25 drinking water standard established under K.S.A. 65-171m, and  
26 amendments thereto, and rules and regulations adopted pursuant thereto  
27 unless a variance or exception has been granted;

28 (f) the failure of a supplier of water to comply with the rules and  
29 regulations of the secretary for monitoring, maintenance of records and  
30 submission of reports, sampling and analysis of water and inspections  
31 adopted under K.S.A. 65-171m, and amendments thereto;

32 (g) the failure of a supplier of water to give notice as required under  
33 K.S.A. 65-171o, and amendments thereto, and rules and regulations  
34 adopted pursuant thereto;

35 (h) using any pipe, solder or flux in the installation or repair of any  
36 public water supply system or any plumbing in a residential or

1 nonresidential facility providing water for human consumption, ~~which that~~  
2 is not lead-free, ~~except that this paragraph shall not apply to leaded joints~~  
3 ~~necessary for the repair of cast iron pipes. As used in this paragraph, "lead-~~  
4 ~~free" means: (1) With respect to its usage in conjunction with solder and~~  
5 ~~flux, solder and flux containing not more than .2% lead, and (2) with~~  
6 ~~respect to its usage in conjunction with pipes and pipe fittings, pipes and~~  
7 ~~pipe fittings containing not more than 8% lead;~~

8 (i) the sale of unmarked lead solders and fluxes. A seller of lead  
9 solders and fluxes in Kansas shall not sell any solder or flux containing  
10 more than .2% lead unless the seller displays a sign and a label is affixed  
11 to such product ~~which that~~ states: "Contains lead: Kansas law and federal  
12 law prohibits the use of this product in any plumbing installation providing  
13 water for human consumption.";

14 (j) the application of fertilizers, pesticides or other chemicals by any  
15 person through any lawn irrigation system connected to a public water  
16 supply system except that in areas where the public water supply system  
17 has adopted a program for the detection and elimination of cross  
18 connections and prevention of backflow and backsiphonage ~~which that~~  
19 has been approved by the secretary of health and environment, such  
20 application may be permitted by the public water supply system upon its  
21 periodic inspection and current approval of the installed air gap or reduced  
22 pressure zone backflow prevention device ~~which that~~ isolates the irrigation  
23 system; and

24 (k) the use by any person of a public water supply system as a source  
25 of make-up water for bulk chemical application tanks except that: (1) In  
26 areas where the public water supply system has adopted a program for the  
27 detection and elimination of cross connections and prevention of backflow  
28 and backsiphonage ~~which that~~ has been approved by the secretary of  
29 health and environment, such use may be permitted by the public water  
30 supply system upon its periodic inspection and current approval of an air  
31 gap or reduced pressure zone backflow prevention device to protect the  
32 public water supply; and (2) in areas where the public water supply system  
33 has not adopted a program approved by the secretary of health and  
34 environment, such use shall be permitted if an air gap or reduced pressure  
35 zone backflow prevention device is used and such device meets nationally  
36 recognized standards, as determined by the secretary of health and  
37 environment.

38 Sec. 2. K.S.A. 2023 Supp. 65-3402 is hereby amended to read as  
39 follows: 65-3402. As used in this act, unless the context otherwise  
40 requires:

41 (a) (1) "Solid waste" means garbage, refuse, waste tires as defined by  
42 K.S.A. 65-3424, and amendments thereto, and other discarded materials,  
43 including, but not limited to, solid, semisolid, sludges, liquid and

1 contained gaseous waste materials resulting from industrial, commercial,  
2 agricultural and domestic activities.

3 (2) "Solid waste" does not include:

4 (A) Hazardous wastes as defined by K.S.A. 65-3430, and  
5 amendments thereto;

6 (B) recyclables;

7 (C) the waste of domestic animals as described by K.S.A. 65-3409,  
8 and amendments thereto; or

9 (D) post-use polymers and recovered feedstocks that are converted at  
10 an advanced recycling facility or held at such a facility prior to conversion  
11 through an advanced recycling process.

12 (b) (1) "Solid waste management system" means the entire process of  
13 storage, collection, transportation, processing, and disposal of solid wastes  
14 by any person engaging in such process as a business, or by any state  
15 agency, city, authority, county or any combination thereof.

16 (2) "Solid waste management system" does not include advanced  
17 recycling.

18 (c) (1) "Solid waste processing facility" means incinerator,  
19 composting facility, household hazardous waste facility, waste-to-energy  
20 facility, transfer station, reclamation facility or any other location where  
21 solid wastes are consolidated, temporarily stored, salvaged or otherwise  
22 processed prior to being transported to a final disposal site.

23 (2) "Solid waste processing facility" does not include a scrap material  
24 recycling and processing facility or an advanced recycling facility.

25 (d) (1) "Solid waste disposal area" means any area used for the  
26 disposal of solid waste from more than one residential premises, or one or  
27 more commercial, industrial, manufacturing or municipal operations.

28 (2) "Solid waste disposal area" includes all property described or  
29 included within any permit issued pursuant to K.S.A. 65-3407, and  
30 amendments thereto.

31 (e) "Person" means individual, partnership, firm, trust, company,  
32 association, corporation, individual or individuals having controlling or  
33 majority interest in a corporation, institution, political subdivision, state  
34 agency or federal department or agency.

35 (f) "Waters of the state" means all streams and springs, and all bodies  
36 of surface or groundwater, whether natural or artificial, within the  
37 boundaries of the state.

38 (g) "Secretary" means the secretary of health and environment.

39 (h) "Department" means the department of health and environment.

40 (i) "Disposal" means the discharge, deposit, injection, dumping,  
41 spilling, leaking or placing of any solid waste into or on any land or water  
42 so that such solid waste or any constituent thereof may enter the  
43 environment or be emitted into the air or discharged into any water.

1 (j) "Open dumping" means the disposal of solid waste at any solid  
2 waste disposal area or facility that is not permitted by the secretary under  
3 the authority of K.S.A. 65-3407, and amendments thereto, or the disposal  
4 of solid waste contrary to rules and regulations adopted pursuant to K.S.A.  
5 65-3406, and amendments thereto.

6 (k) "Generator" means any person who produces or brings into  
7 existence solid waste.

8 (l) "Monitoring" means all procedures used to:

9 (1) Systematically inspect and collect data on the operational  
10 parameters of a facility, an area or a transporter; or

11 (2) to systematically collect and analyze data on the quality of the air,  
12 groundwater, surface water or soils on or in the vicinity of a solid waste  
13 processing facility or solid waste disposal area.

14 (m) "Closure" means the permanent cessation of active disposal  
15 operations, abandonment of the disposal area, revocation of the permit or  
16 filling with waste of all areas and volume specified in the permit and  
17 preparing the area for the long-term care.

18 (n) "Postclosure" means that period of time subsequent to closure of a  
19 solid waste disposal area when actions at the site must be performed.

20 (o) "Reclamation facility" means any location—~~at which~~ *where*  
21 material containing a component defined as a hazardous substance  
22 pursuant to K.S.A. 65-3452a, and amendments thereto, or as an industrial  
23 waste pursuant to this section is processed.

24 (p) "Designated city" means a city or group of cities that, through  
25 interlocal agreement with the county in which they are located, is  
26 delegated the responsibility for preparation, adoption or implementation of  
27 the county solid waste plan.

28 (q) "Nonhazardous special waste" means any solid waste designated  
29 by the secretary as requiring extraordinary handling in a solid waste  
30 disposal area.

31 (r) (1) "Recyclables" means any materials that will be used or reused,  
32 or prepared for use or reuse, as an ingredient in an industrial process to  
33 make a product, or as an effective substitute for a commercial product.

34 (2) "Recyclables" includes, but is not limited to, paper, glass, plastic,  
35 municipal water treatment residues, as defined by K.S.A. 65-163, and  
36 amendments thereto, and metal.

37 (3) "Recyclables" does not include yard waste.

38 (s) "Scrap material processing industry" means any person who  
39 accepts, processes and markets recyclables.

40 (t) "Scrap material recycling and processing facility" means a fixed  
41 location that utilizes machinery and equipment for processing only  
42 recyclables.

43 (u) (l) "Construction and demolition waste" means solid waste

1 resulting from the construction, remodeling, repair and demolition of  
2 structures, roads, sidewalks and utilities; untreated wood and untreated  
3 sawdust from any source; treated wood from construction or demolition  
4 projects; small amounts of municipal solid waste generated by the  
5 consumption of food and drinks at construction or demolition sites,  
6 including, but not limited to, cups, bags and bottles; furniture and  
7 appliances from which ozone depleting chlorofluorocarbons have been  
8 removed in accordance with the provisions of the federal clean air act;  
9 solid waste consisting of motor vehicle window glass; and solid waste  
10 consisting of vegetation from land clearing and grubbing, utility  
11 maintenance, and seasonal or storm-related cleanup. ~~Such wastes include~~

12 (2) "*Construction and demolition waste*" includes, but ~~are~~ is not  
13 limited to, bricks, concrete and other masonry materials, roofing materials,  
14 soil, rock, wood, wood products, wall or floor coverings, plaster, drywall,  
15 plumbing fixtures, electrical wiring, electrical components containing no  
16 hazardous materials, nonasbestos insulation and construction related  
17 packaging.

18 (3) *Clean rubble that is mixed with other construction and demolition*  
19 *waste during demolition or transportation shall be considered*  
20 *construction and demolition waste.*

21 (4) "Construction and demolition waste" ~~shall~~ does not include waste  
22 material containing friable asbestos, garbage, furniture and appliances  
23 from which ozone depleting chlorofluorocarbons have not been removed  
24 in accordance with the provisions of the federal clean air act, electrical  
25 equipment containing hazardous materials, tires, drums and containers  
26 even though such wastes resulted from construction and demolition  
27 activities.

28 ~~Clean rubble that is mixed with other construction and demolition~~  
29 ~~waste during demolition or transportation shall be considered to be~~  
30 ~~construction and demolition waste.~~

31 (v) (1) "Construction and demolition landfill" means a permitted solid  
32 waste disposal area used exclusively for the disposal on land of  
33 construction and demolition wastes.

34 (2) "Construction and demolition landfill" does not include a site that  
35 is used exclusively for the disposal of clean rubble.

36 (w) "Clean rubble" means the following types of construction and  
37 demolition waste: Concrete and concrete products including reinforcing  
38 steel, asphalt pavement, brick, rock and uncontaminated soil as defined in  
39 rules and regulations adopted by the secretary.

40 (x) (1) "Industrial waste" means all solid waste resulting from  
41 manufacturing, commercial and industrial processes that is not suitable for  
42 discharge to a sanitary sewer or treatment in a community sewage  
43 treatment plant or is not beneficially used in a manner that meets the

1 definition of recyclables.

2 (2) "Industrial waste" includes, but is not limited to: Mining wastes  
3 from extraction, beneficiation and processing of ores and minerals unless  
4 those minerals are returned to the mine site; fly ash, bottom ash, slag and  
5 flue gas emission wastes generated primarily from the combustion of coal  
6 or other fossil fuels; cement kiln dust; waste oil and sludges; waste oil  
7 filters; and fluorescent lamps.

8 (y) "Composting facility" means any facility that composts wastes  
9 and has a composting area larger than one-half acre.

10 (z) "Household hazardous waste facility" means a facility established  
11 for the purpose of collecting, accumulating and managing household  
12 hazardous waste ~~and may also include small quantity generator waste. A~~  
13 *"household hazardous waste facility" may also collect, accumulate and*  
14 *mange hazardous waste generated by persons who generate less than the*  
15 *amounts specified in K.S.A. 65-3451(a) and (b)(3), and amendments*  
16 *thereto, or agricultural pesticide waste, or both. Household hazardous*  
17 *wastes are consumer products that when discarded exhibit hazardous*  
18 *characteristics.*

19 (aa) (1) "Waste-to-energy facility" means a facility that processes  
20 solid waste to produce energy or fuel.

21 (2) "Waste-to-energy facility" does not include any advanced  
22 recycling facility.

23 (bb) (1) "Transfer station" means any facility where solid wastes are  
24 transferred from one vehicle to another or where solid wastes are stored  
25 and consolidated before being transported elsewhere.

26 (2) "Transfer station" does not include a collection box provided for  
27 public use as a part of a county-operated solid waste management system  
28 if the box is not equipped with compaction mechanisms or has a volume  
29 smaller than 20 cubic yards.

30 (cc) "Municipal solid waste landfill" means a solid waste disposal  
31 area where residential waste is placed for disposal. A municipal solid  
32 waste landfill also may receive other nonhazardous wastes, including  
33 commercial solid waste, sludge and industrial solid waste.

34 (dd) (1) "Construction related packaging" means small quantities of  
35 packaging wastes that are generated in the construction, remodeling or  
36 repair of structures and related appurtenances.

37 (2) "Construction related packaging" does not include packaging  
38 wastes that are generated at retail establishments selling construction  
39 materials, chemical containers generated from any source or packaging  
40 wastes generated during maintenance of existing structures.

41 (ee) (1) "Industrial facility" includes all operations, processes and  
42 structures involved in the manufacture or production of goods, materials,  
43 commodities or other products located on, or adjacent to, an industrial site

1 and is not limited to a single owner or to a single industrial process.

2 (2) "Industrial facility" includes all industrial processes and  
3 applications that may generate industrial waste that may be disposed at a  
4 solid waste disposal area that is permitted by the secretary and operated for  
5 the industrial facility generating the waste and used only for industrial  
6 waste.

7 (ff) (1) "Advanced recycling" means a manufacturing process where  
8 already sorted post-use polymers and recovered feedstocks are purchased  
9 and then converted into basic raw materials, feedstocks, chemicals and  
10 other products through processes that include, but are not limited to,  
11 pyrolysis, gasification, depolymerization, catalytic cracking, reforming,  
12 hydrogenation, solvolysis, chemolysis and other similar technologies. The  
13 recycled products produced at advanced recycling facilities include, but  
14 are not limited to, monomers, oligomers, plastics, plastics and chemical  
15 feedstocks, basic and unfinished chemicals, coatings and adhesives.

16 (2) "Advanced recycling" does not include incineration of plastics or  
17 waste-to-energy processes, and products sold as fuel are not recycled  
18 products.

19 (3) For the purpose of this act and the implementation of any rules  
20 and regulations promulgated hereunder, recycled products produced at  
21 advanced recycling facilities shall be considered "recyclables" as defined  
22 in subsection (r).

23 (gg) (1) "Advanced recycling facility" means a manufacturing facility  
24 that:

25 (A) Receives, stores and converts post-use polymers and recovered  
26 feedstocks that are processed using advanced recycling;

27 (B) is a manufacturing facility subject to applicable department of  
28 health and environment manufacturing regulations; and

29 (C) the department may inspect to ensure that post-use polymers are  
30 used as raw material for advanced recycling and are not refuse or solid  
31 waste.

32 (2) For the purpose of this act and the implementation of any rules  
33 and regulations promulgated hereunder, "advanced recycling facilities"  
34 shall not be considered solid waste disposal facilities, final disposal  
35 facilities, solid waste management facilities, solid waste processing  
36 facilities, solid waste recovery facilities, incinerators or waste-to-energy  
37 facilities.

38 (3) The owner or operator of an advanced recycling facility shall be  
39 responsible for the proper disposal of all recyclable material stored on the  
40 facility premises within 60 days of closure.

41 (hh) "Mass balance attribution" means a chain of custody accounting  
42 methodology with rules defined by a third-party certification system that  
43 enables the attribution of the mass of advanced recycling feedstocks to one

1 or more advanced recycling products.

2 (ii) (1) "Post-use polymer" means a plastic that:

3 (A) Is derived from any industrial, commercial, agricultural or  
4 domestic activities and includes pre-consumer recovered materials and  
5 post-consumer materials;

6 (B) has been sorted from solid waste and other regulated waste but  
7 may contain residual amounts of waste such as organic material and  
8 incidental contaminants or impurities, such as paper labels and metal rings;

9 (C) is not mixed with solid waste or hazardous waste on site or during  
10 processing at the advanced recycling facility;

11 (D) is used or intended to be used as a feedstock for the  
12 manufacturing of feedstocks, raw materials or other intermediate products  
13 or final products using advanced recycling; and

14 (E) is processed at an advanced recycling facility or held at such  
15 facility prior to processing.

16 (2) The term "post-use polymer" shall be considered "recyclables" as  
17 defined in subsection (r).

18 (jj) (1) "Recovered feedstock" means one or more of the following  
19 materials that has been processed so that it may be used as feedstock in an  
20 advanced recycling facility:

21 (A) Post-use polymers; or

22 (B) materials for which the United States environmental protection  
23 agency has made a nonwaste determination or has otherwise determined  
24 are feedstocks and not solid waste.

25 (2) "Recovered feedstock" does not include unprocessed municipal  
26 solid waste or feedstock that has been mixed with solid waste or hazardous  
27 waste on site or during processing at an advanced recycling facility.

28 (kk) "Recycled plastics" or "recycled plastic" means products that are  
29 produced:

30 (1) From mechanical recycling of pre-consumer recovered feedstocks  
31 or plastics and post-consumer plastics; or

32 (2) from the advanced recycling of pre-consumer recovered  
33 feedstocks or plastics and post-consumer plastics through mass balance  
34 attribution under a third-party certification system.

35 (ll) "Third-party certification system" means an international and  
36 multi-national third-party certification system that consists of a set of rules  
37 for the implementation of mass balance attribution approaches for  
38 advanced recycling of materials. Third-party certification systems include,  
39 but are not limited to: International sustainability and carbon certification;  
40 underwriter laboratories; scs recycled content; roundtable on sustainable  
41 biomaterials; ecoloop; and redcert2.

42 Sec. 3. K.S.A. 65-3415 is hereby amended to read as follows: 65-  
43 3415. (a) The secretary of *health and environment* is authorized to assist

1 counties, designated cities or regional solid waste management entities by  
2 administering grants to pay up to 60% of the costs of preparing and  
3 revising official plans for solid waste management systems in accordance  
4 with the requirements of this act and the rules and regulations and  
5 standards adopted pursuant to this act, and for carrying out related studies,  
6 surveys, investigations, inquiries, research and analyses.

7 (b) The secretary is authorized to assist counties, designated cities,  
8 municipalities, regional solid waste management entities that are part of an  
9 interlocal agreement entered into pursuant to K.S.A. 12-2901 et seq., and  
10 amendments thereto, or other applicable statutes, colleges, universities,  
11 schools, state agencies or private entities, by administering competitive  
12 grants that pay up to 75% of eligible costs incurred by such a county, city,  
13 regional entity, college, university, school, state agency or private entity  
14 pursuant to an approved solid waste management plan, for any project  
15 related to the development and operation of recycling, source reduction,  
16 waste minimization and solid waste management public education  
17 programs. Such projects shall include, but not be limited to, the  
18 implementation of innovative waste processing technologies—~~which that~~  
19 demonstrate nontraditional methods to reduce waste volume by recovering  
20 materials or by converting the waste into usable by-products or energy  
21 through chemical or physical processes. To be eligible for competitive  
22 grants awarded pursuant to this section, a county, designated city, regional  
23 entity, college, university, school, state agency or private entity must be  
24 implementing a project—~~which that~~ is part of a solid waste management  
25 plan approved by the secretary or implementing a project with statewide  
26 significance as determined by the secretary with the advice and counsel of  
27 the solid waste grants advisory committee.

28 (c) The secretary is authorized to assist counties, cities or regional  
29 solid waste management entities that are part of an interlocal agreement  
30 entered into pursuant to K.S.A. 12-2901 et seq., and amendments thereto,  
31 or other applicable statutes, by administering grants that pay up to 60% of  
32 costs incurred by such a county, city or regional entity for:

33 (1) The development or enhancement of temporary and permanent  
34 household hazardous waste programs operated in accordance with K.S.A.  
35 65-3460, and amendments thereto;

36 (2) the first year of operation following initial start-up of temporary  
37 and permanent household hazardous waste programs; and

38 (3) educating the public regarding changes in household hazardous  
39 waste collection program operations or services.

40 (d) The secretary is authorized to assist counties, cities or regional  
41 solid waste management entities that are part of an interlocal agreement  
42 entered into pursuant to K.S.A. 12-2901 et seq., and amendments thereto,  
43 or other applicable statutes, by administering grants that pay up to 75% of

1 costs incurred by such a county, city or regional entity to develop and  
2 implement temporary agricultural pesticide collection programs.

3 (e) The secretary is authorized to assist counties, cities or regional  
4 solid waste management entities that are part of an interlocal agreement  
5 entered into pursuant to K.S.A. 12-2901 et seq., and amendments thereto,  
6 or other applicable statutes, by administering grants that pay up to 75% of  
7 costs incurred by such a county, city, or regional entity to develop and  
8 implement ~~exempt small quantity hazardous waste generator waste~~  
9 collection programs *for hazardous waste generated by persons who*  
10 *generate less than the amounts specified in K.S.A. 65-3451(a) and (b)(3),*  
11 *and amendments thereto*, subject to the following:

12 (1) The aggregate amount of all such grants made for a fiscal year  
13 shall not exceed \$150,000; and

14 (2) no grantee shall receive any such grants in an aggregate amount  
15 exceeding \$50,000.

16 (f) (1) Failure of any public or private entity to pay solid waste  
17 tonnage fees as required pursuant to K.S.A. 65-3415b, and amendments  
18 thereto, shall bar receipt of any grant funds by such entity until fees and  
19 related penalties have been paid.

20 (2) Failure of a county or regional authority to perform annual solid  
21 waste plan reviews and five year public hearings, and submit appropriate  
22 notification to the secretary that such actions have been carried out  
23 pursuant to K.S.A. 65-3405, and amendments thereto, shall bar receipt of  
24 any grant funds by any entity within the jurisdiction of such county or  
25 regional authority unless the grant would support a project expected to  
26 yield benefits to counties outside the jurisdiction of such county or  
27 regional authority.

28 (3) A city, county, regional authority, college, university, school, state  
29 agency or private entity shall not be eligible to receive grants authorized in  
30 K.S.A. 65-3415, and amendments thereto, if the department determines  
31 that such city, county, regional authority, college, university, school, state  
32 agency or private entity is operating in substantial violation of applicable  
33 solid and hazardous waste laws or rules and regulations.

34 (4) The secretary may establish additional minimum requirements for  
35 grant eligibility.

36 (g) If the secretary determines that a grant recipient has utilized grant  
37 moneys for purposes not authorized in the grant contract, the secretary  
38 may order the repayment of such moneys and cancel any remaining  
39 department commitments under the grant. If the grant recipient fails to  
40 comply with the secretary's order, the secretary may initiate a civil action  
41 in district court to recover any unapproved expenditures, including  
42 administrative and legal expenses incurred to pursue such action.  
43 Recovered grant moneys or expenses shall be remitted to the state

1 treasurer, who shall deposit the entire amount in the state treasury and  
2 credit it to the solid waste management fund.

3 (h) All grants shall be made in accordance with appropriation acts  
4 from moneys in the solid waste management fund created by K.S.A. 65-  
5 3415a, and amendments thereto.

6 (i) Local match requirements for all solid waste grant programs may  
7 be met by in-kind contributions.

8 Sec. 4. K.S.A. 65-3415a is hereby amended to read as follows: 65-  
9 3415a. (a) There is hereby created in the state treasury the solid waste  
10 management fund.

11 (b) (1) The secretary shall remit to the state treasurer, in accordance  
12 with the provisions of K.S.A. 75-4215, and amendments thereto, all  
13 moneys collected or received by the secretary from the following sources:

14 ~~(1)(A)~~ Solid waste tonnage fees imposed pursuant to K.S.A. 65-  
15 3415b, and amendments thereto;

16 ~~(2)(B)~~ application and annual fees provided for by K.S.A. 65-3407,  
17 and amendments thereto;

18 ~~(3)(C)~~ gifts, grants, reimbursements or appropriations intended to be  
19 used for the purposes of the fund, but excluding federal grants and  
20 cooperative agreements; and

21 ~~(4)(D)~~ any other moneys provided by law.

22 (2) Upon receipt of each such remittance, the state treasurer shall  
23 deposit in the state treasury any amount remitted pursuant to this  
24 subsection to the credit of the solid waste management fund.

25 (c) Moneys in the solid waste management fund shall be expended  
26 for the following purposes:

27 (1) Grants to counties or groups of counties or designated city or  
28 cities pursuant to K.S.A. 65-3415, and amendments thereto;

29 (2) monitoring and investigating solid waste management plans of  
30 counties and groups of counties;

31 (3) payment of extraordinary costs related to monitoring permitted  
32 solid waste processing facilities and disposal areas, both during operation  
33 and after closure;

34 (4) payment of costs of postclosure cleanup of permitted solid waste  
35 disposal areas ~~which~~ *that*, as a result of a postclosure occurrence, pose a  
36 substantial hazard to public health or safety or to the environment;

37 (5) emergency payment for costs of cleanup of solid waste disposal  
38 areas ~~which~~ *that* were closed before the effective date of this act and ~~which~~  
39 pose a substantial risk to the public health or safety or to the environment,  
40 but the total amount of such emergency payments during a fiscal year shall  
41 not exceed an amount equal to 50% of all amounts credited to the fund  
42 during the preceding fiscal year;

43 (6) payment for emergency action by the secretary as necessary or

1 appropriate to assure that the public health or safety is not threatened  
2 whenever there is a release from a solid waste processing facility or a solid  
3 waste disposal area;

4 (7) payment for corrective action by the secretary at an active or  
5 closed solid waste processing facility or a solid waste disposal area where  
6 solid waste management activity has resulted in an actual or potential  
7 threat to human health or the environment, if the owner or operator has not  
8 been identified or is unable or unwilling to perform corrective action;

9 (8) payment of the administrative, technical and legal costs incurred  
10 by the secretary in carrying out the provisions of K.S.A. 65-3401 through  
11 65-3423, and amendments thereto, including the cost of any additional  
12 employees or increased general operating costs of the department  
13 attributable therefor;

14 (9) development of educational materials and programs for informing  
15 the public about solid waste issues;

16 (10) direct payments to reimburse counties or cities for household-  
17 ~~farmer or exempt small quantity generator~~ hazardous wastes, *agricultural*  
18 *pesticide wastes or hazardous wastes generated by persons who generate*  
19 *less than the amounts specified in K.S.A. 65-3451(a) and (b)(3), and*  
20 *amendments thereto, if generated* from persons not served by existing  
21 household hazardous waste programs or direct payment of contractors for  
22 the disposal costs of such wastes;

23 (11) payment of costs associated with the solid waste grants advisory  
24 board pursuant to K.S.A. 65-3426, and amendments thereto;

25 (12) with the consent of the city or county, payment for the removal  
26 and disposal or on-site stabilization of solid waste which has been illegally  
27 dumped when the responsible party is unknown, unwilling or unable to  
28 perform the necessary corrective action, provided that: (A) Moneys in the  
29 fund shall be used to pay only 75% of the costs of such corrective action  
30 and the city or county shall pay the remaining 25% of such costs; and (B)  
31 not more than \$10,000 per site shall be expended from the fund for such  
32 corrective action;

33 (13) payment of the costs to administer regional or statewide waste  
34 collection programs designed to remove hazardous materials and wastes  
35 from homes, farms, ranches, institutions and small businesses not  
36 generally covered by state or federal hazardous waste laws and rules and  
37 regulations; and

38 (14) payment for the disposal of household hazardous waste  
39 generated as a result of community clean-up activities following natural  
40 disasters such as floods and tornados.

41 (d) If the secretary determines that expenditures from the solid waste  
42 management fund are necessary to perform authorized corrective actions  
43 related to solid waste management activities, the person or persons

1 responsible for illegal dumping activity or the operation or long-term care  
2 of a disposal area whose failure to comply with this act, rules and  
3 regulations promulgated thereunder, or permit conditions resulted in such  
4 determination, shall be responsible for the repayment of those amounts  
5 expended. The secretary shall take appropriate action to enforce this  
6 provision against any responsible person. If amounts are recovered for  
7 payment for corrective action pursuant to subsection (c)(12), 25% of the  
8 amount recovered shall be paid to the city or county that shared in the cost  
9 of the corrective action. Otherwise, the secretary shall remit any amounts  
10 recovered and collected in such action to the state treasurer in accordance  
11 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
12 receipt of each such remittance, the state treasurer shall deposit the entire  
13 amount in the state treasury to the credit of the solid waste management  
14 fund. Prior to initiating any corrective action activities authorized by this  
15 section, the secretary shall give written notice to the person or persons  
16 responsible for the waste to be cleaned up and to the property owner that  
17 the department will undertake corrective action if the responsible person or  
18 persons do not perform the necessary work within a specified time period.  
19 The department and its representatives are authorized to enter private  
20 property to perform corrective actions if the responsible party fails to  
21 perform required clean-up work, but no such entry shall be made without  
22 the property owner's consent, except upon notice and hearing in  
23 accordance with the Kansas administrative procedure act and a finding that  
24 the solid waste creates a public nuisance or adversely affects the public  
25 health or the environment.

26 (e) Expenditures from the solid waste management fund shall be  
27 made in accordance with appropriations acts upon warrants of the director  
28 of accounts and reports issued pursuant to vouchers approved by the  
29 secretary or a person designated by the secretary.

30 (f) On or before the 10<sup>th</sup> of each month, the director of accounts and  
31 reports shall transfer from the state general fund to the solid waste  
32 management fund interest earnings based on:

33 (1) The average daily balance of moneys in the solid waste  
34 management fund for the preceding month; and

35 (2) the net earnings rate of the pooled money investment portfolio for  
36 the preceding month.

37 (g) The solid waste management fund shall be used for the purposes  
38 set forth in this act and for no other governmental purposes. It is the intent  
39 of the legislature that the fund shall remain intact and inviolate for the  
40 purposes set forth in this act, and moneys in the fund shall not be subject  
41 to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and  
42 amendments thereto.

43 (h) The secretary shall prepare and deliver to the legislature on or

1 before the first day of each regular legislative session, a report which  
2 summarizes all expenditures from the solid waste management fund, fund  
3 revenues and recommendations regarding the adequacy of the fund to  
4 support necessary solid waste management programs.

5 Sec. 5. K.S.A. 65-3460 is hereby amended to read as follows: 65-  
6 3460. (a) *The secretary of health and environment may coordinate*  
7 *voluntary hazardous waste collection programs* in order to:

8 (1) Provide for the safe *collection and disposal* of small quantities of:

9 (A) ~~Household hazardous waste in the possession of homeowners,~~  
10 ~~householders, farmers and exempt small quantity hazardous waste~~  
11 ~~generators in amounts not exceeding the amount prescribed in K.S.A. 65-~~  
12 ~~3451 and amendments thereto;~~

13 (B) *agricultural pesticide wastes; and*

14 (C) *hazardous wastes generated by persons who generate less than*  
15 *the amounts specified in K.S.A. 65-3451(a) and (b)(3), and amendments*  
16 *thereto;*

17 (2) educate the public about the dangers posed by hazardous waste;  
18 and

19 (3) encourage local units of government to develop local hazardous  
20 waste collection programs either individually or jointly; ~~the secretary of~~  
21 ~~health and environment may coordinate voluntary hazardous waste~~  
22 ~~collection programs to ensure the safe collection and disposal of such~~  
23 ~~waste.~~

24 (b) The secretary of health and environment may adopt rules and  
25 regulations for conducting both hazardous temporary and permanent waste  
26 collection programs. The secretary shall supervise the program and ensure  
27 that the local unit of government contracts with a bonded waste handling  
28 company approved by the secretary for implementation of the program.

29 (c) The secretary of health and environment may receive moneys for  
30 use as grants to help defray the expense of operating hazardous waste  
31 collection programs. Any money received to defray the cost of the  
32 programs shall be deposited in the state treasury and credited to the  
33 hazardous waste collection fund, which is hereby created. Costs and  
34 expenses arising from the implementation of this section shall be paid  
35 from such fund.

36 (d) Not later than the first day of each legislative session, the  
37 secretary of health and environment shall submit to the speaker of the  
38 house of representatives and the president of the senate a report on  
39 hazardous waste collection programs carried out under this section during  
40 the preceding calendar year.

41 Sec. 6. K.S.A. 65-171r, 65-3415, 65-3415a and 65-3460 and K.S.A.  
42 2023 Supp. 65-3402 are hereby repealed.

43 Sec. 7. This act shall take effect and be in force from and after its

- 1 publication in the statute book.