

HOUSE BILL No. 2686

By Committee on Environment

1-24

AN ACT concerning solid waste tonnage fees; amending K.S.A. 2001 Supp. 65-3415b and 65-3415f and repealing the existing sections.

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

Section 1. K.S.A. 2001 Supp. 65-3415b is hereby amended to read as follows: 65-3415b. (a) There is hereby imposed a state solid waste tonnage fee of \$1.00 for each ton or equivalent volume of solid waste disposed of at any solid waste disposal area in this state other than:

- (1) *Solid waste subject to the fee provided by subsection (c);*
- (2) solid waste enumerated in subsection ~~(e)~~(d); or
- (3) solid waste disposal authorized by the secretary pursuant to subsection (a) of K.S.A. 65-3407c, and amendments thereto.

(b) There is hereby imposed a state solid waste tonnage fee of \$1.00 for each ton or equivalent volume of solid waste transferred out of Kansas through a transfer station, other than waste enumerated in subsection ~~(e)~~(d).

(c) *The following state solid waste tonnage fee shall apply to industrial solid waste, other than solid waste enumerated in subsection (d), if such waste is disposed of at a solid waste disposal area which is permitted by the secretary, owned and operated by the facility that produced the waste and used only for industrial solid waste generated by such facility:*

- (1) *\$0.25 per ton for the first 5,000 tons of solid waste disposed of in the calendar year; and*
- (2) *\$0.10 per ton for each ton of solid waste in excess of 5,000 tons disposed of in the calendar year, up to a maximum fee of \$3,000 per facility.*

(d) The fees imposed by this section shall not apply to:

(1) Any waste tire or processed waste tire, as defined by K.S.A. 65-3424, and amendments thereto, disposed in or at a permitted solid waste disposal area;

~~(2) any of the following wastes when disposed of at a monofill permitted by the department: (A) secretary, sludges from public drinking water supply treatment plants; (B) cement kiln dust from the manufacture of portland and masonry cement; (C) flue gas desulfurization sludge, fly ash and bottom ash from coal fired electric generating facilities; and (D)~~

1 ~~foundry sand;~~

2 (3) clean rubble;

3 (4) solid waste solely consisting of vegetation from land clearing and
4 grubbing, utility maintenance and seasonal or storm-related cleanup but
5 such exception shall not apply to yard waste; and

6 (5) construction and demolition waste disposed of by the federal gov-
7 ernment, by the state of Kansas, or by any city, county or other unit of
8 local government in the state of Kansas, or by any person on behalf
9 thereof.

10 ~~(d)~~ (e) The operator of a solid waste disposal area or transfer station
11 shall pay the fee imposed by this section.

12 ~~(e)~~ (f) The secretary of health and environment shall administer, en-
13 force and collect the fee imposed by this section. The secretary shall have
14 the authority to waive such fee when large quantities of waste are gen-
15 erated due to major natural disasters such as floods, tornados and fires
16 unless persons paying such fees are able to recover such fees from the
17 federal government. Except as otherwise provided by subsections (a) and
18 (b), all laws and rules and regulations of the secretary of revenue relating
19 to the administration, enforcement and collection of the retailers' sales
20 tax shall apply to such fee insofar as they can be made applicable. The
21 secretary of health and environment shall adopt any other rules and reg-
22 ulations as necessary for the efficient and effective administration, en-
23 forcement and collection thereof.

24 ~~(f)~~ (g) The secretary of health and environment shall remit all moneys
25 collected from fees imposed pursuant to subsections (a) and (b) to the
26 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
27 amendments thereto. Upon receipt of each such remittance, the state
28 treasurer shall deposit the entire amount in the state treasury to the credit
29 of the solid waste management fund created by K.S.A. 65-3415a, and
30 amendments thereto.

31 Sec. 2. K.S.A. 2001 Supp. 65-3415f is hereby amended to read as
32 follows: 65-3415f. (a) As used in this section, terms have the meanings
33 provided by K.S.A. 65-3402 and amendments thereto.

34 (b) In addition to any other fee provided by law, the board of county
35 commissioners of any county may impose, by resolution adopted pursuant
36 to this section, a solid waste tonnage fee for each ton or equivalent volume
37 of solid waste disposed of at any solid waste disposal area operated by
38 such county. Such fees shall not apply to:

39 ~~—(1) Any waste tire, as defined by K.S.A. 65-3424 and amendments~~
40 ~~thereto, disposed in or at a permitted solid waste disposal area;~~

41 ~~—(2) any of the following wastes when disposed of at a monofill per-~~
42 ~~mitted by the department: (A) Sludges from public drinking water supply~~
43 ~~treatment plants; (B) cement kiln dust from the manufacture of portland~~

1 and masonry cement, (C) flue gas desulfurization sludge, fly ash and bot-
2 tom ash from coal-fired electric generating facilities, and (D) foundry
3 sand;

4 —(3)— clean rubble;

5 —(4)— solid waste solely consisting of vegetation from land clearing and
6 grubbing, utility maintenance and seasonal or storm-related cleanup but
7 such exception shall not apply to yard waste; and

8 —(5)— construction and demolition waste disposed of by the state of Kan-
9 sas or by any city or county in the state of Kansas, or by any person on
10 behalf thereof *any solid waste exempted from the state solid waste tonnage*
11 *fee imposed by K.S.A. 65-3415b, and amendments thereto.*

12 (c) Fees imposed pursuant to this section shall be collected by the
13 county and deposited in a special fund in the county treasury. All interest
14 earned on moneys in the fund shall also be deposited in the fund. If there
15 is more than one solid waste disposal area in the county where fees are
16 imposed pursuant to this section, a separate fund for each such disposal
17 area shall be maintained from the fees collected from such disposal area.
18 Money in the fund shall be used only for payment of costs of closure,
19 postclosure actions and contamination remediation associated with the
20 solid waste disposal area until the secretary determines that all require-
21 ments for closure, postclosure actions and contamination remediation as-
22 sociated with the disposal area have been met.

23 (d) The board of county commissioners, by resolution, may modify,
24 discontinue or reinstate the fee authorized by this section.

25 (e) Transfer or expenditure of moneys in a special fund provided for
26 by this section for any purpose other than authorized by this section is a
27 class A nonperson misdemeanor and constitutes grounds for forfeiture of
28 public office.

29 (f) If two or more counties jointly operate a solid waste disposal area,
30 the fee provided for by this section on solid waste disposed of at such
31 disposal area may be imposed, modified, discontinued or reinstated only
32 if a majority of the board of county commissioners of each county jointly
33 operating the disposal area votes to impose, modify, discontinue or re-
34 instate the fee.

35 Sec. 3. K.S.A. 2001 Supp. 65-3415b and 65-3415f are hereby
36 repealed.

37 Sec. 4. This act shall take effect and be in force from and after its
38 publication in the Kansas register.

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