

HOUSE BILL No. 2223

By Committee on Environment

2-6

AN ACT concerning solid waste; amending K.S.A. 65-3402 and repealing the existing section.

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

Section 1. K.S.A. 65-3402 is hereby amended to read as follows: 65-3402. As used in this act, unless the context otherwise requires:

(a) "Solid waste" means garbage, refuse, waste tires as defined by K.S.A. 65-3424, and amendments thereto, and other discarded materials, including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous wastes as defined by subsection (f) of K.S.A. 65-3430, and amendments thereto, recyclables or the waste of domestic animals as described by subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.

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

(c) "Solid waste processing facility" means incinerator, composting facility, household hazardous waste facility, waste-to-energy facility, transfer station, reclamation facility or any other location where solid wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being transported to a final disposal site. This term does not include a scrap material recycling and processing facility.

(d) "Solid waste disposal area" means any area used for the disposal of solid waste from more than one residential premises, or one or more commercial, industrial, manufacturing or municipal operations. "Solid waste disposal area" includes all property described or included within any permit issued pursuant to K.S.A. 65-3407, and amendments thereto.

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

(f) "Waters of the state" means all streams and springs, and all bodies of surface or groundwater, whether natural or artificial, within the bound-

1 aries of the state.

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

3 (h) "Department" means the Kansas department of health and
4 environment.

5 (i) "Disposal" means the discharge, deposit, injection, dumping, spill-
6 ing, leaking or placing of any solid waste into or on any land or water so
7 that such solid waste or any constituent thereof may enter the environ-
8 ment or be emitted into the air or discharged into any water.

9 (j) "Open dumping" means the disposal of solid waste at any solid
10 waste disposal area or facility which is not permitted by the secretary
11 under the authority of K.S.A. 65-3407, and amendments thereto, or the
12 disposal of solid waste contrary to rules and regulations adopted pursuant
13 to K.S.A. 65-3406, and amendments thereto.

14 (k) "Generator" means any person who produces or brings into ex-
15 istence solid waste.

16 (l) "Monitoring" means all procedures used to (1) systematically in-
17 spect and collect data on the operational parameters of a facility, an area
18 or a transporter, or (2) to systematically collect and analyze data on the
19 quality of the air, groundwater, surface water or soils on or in the vicinity
20 of a solid waste processing facility or solid waste disposal area.

21 (m) "Closure" means the permanent cessation of active disposal op-
22 erations, abandonment of the disposal area, revocation of the permit or
23 filling with waste of all areas and volume specified in the permit and
24 preparing the area for the long-term care.

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

27 (o) "Reclamation facility" means any location at which material con-
28 taining a component defined as a hazardous substance pursuant to K.S.A.
29 65-3452a and amendments thereto or as an industrial waste pursuant to
30 this section is processed.

31 (p) "Designated city" means a city or group of cities which, through
32 interlocal agreement with the county in which they are located, is dele-
33 gated the responsibility for preparation, adoption or implementation of
34 the county solid waste plan.

35 (q) "Nonhazardous special waste" means any solid waste designated
36 by the secretary as requiring extraordinary handling in a solid waste dis-
37posal area.

38 (r) "Recyclables" means any materials that will be used or reused, or
39 prepared for use or reuse, as an ingredient in an industrial process to
40 make a product, or as an effective substitute for a commercial product.
41 "Recyclables" includes, but is not limited to, paper, glass, plastic, munic-
42 ipal water treatment residues, as defined by K.S.A. 65-163 and amend-
43 ments thereto, and metal, but does not include yard waste.

1 (s) “Scrap material processing industry” means any person who ac-
2 cepts, processes and markets recyclables.

3 (t) “Scrap material recycling and processing facility” means a fixed
4 location that utilizes machinery and equipment for processing only
5 recyclables.

6 (u) “Construction and demolition waste” means solid waste resulting
7 from the construction, remodeling, repair and demolition of structures,
8 roads, sidewalks and utilities; untreated wood and untreated sawdust from
9 any source; treated wood from construction or demolition projects; small
10 amounts of municipal solid waste generated by the consumption of food
11 and drinks at construction or demolition sites, including, but not limited
12 to, cups, bags and bottles; furniture and appliances from which ozone
13 depleting chlorofluorocarbons have been removed in accordance with the
14 provisions of the federal clean air act; solid waste consisting of motor
15 vehicle window glass; and solid waste consisting of vegetation from land
16 clearing and grubbing, utility maintenance, and seasonal or storm-related
17 cleanup. Such wastes include, but are not limited to, bricks, concrete and
18 other masonry materials, roofing materials, soil, rock, wood, wood prod-
19 ucts, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical
20 wiring, electrical components containing no hazardous materials, nonas-
21 bestos insulation and construction related packaging. “Construction and
22 demolition waste” shall not include waste material containing friable as-
23 bestos, garbage, furniture and appliances from which ozone depleting
24 chlorofluorocarbons have not been removed in accordance with the pro-
25 visions of the federal clean air act, electrical equipment containing haz-
26 ardous materials, tires, drums and containers even though such wastes
27 resulted from construction and demolition activities. Clean rubble that is
28 mixed with other construction and demolition waste during demolition
29 or transportation shall be considered to be construction and demolition
30 waste.

31 (v) “Construction and demolition landfill” means a permitted solid
32 waste disposal area used exclusively for the disposal on land of construc-
33 tion and demolition wastes. This term shall not include a site that is used
34 exclusively for the disposal of clean rubble.

35 (w) “Clean rubble” means inert uncontaminated construction and
36 demolition waste which includes concrete and concrete products, rein-
37 forcing steel, asphalt pavement, brick, soil or rock.

38 (x) “Industrial waste” means all solid waste resulting from manufac-
39 turing, commercial and industrial processes which is not suitable for dis-
40 charge to a sanitary sewer or treatment in a community sewage treatment
41 plant or is not beneficially used in a manner that meets the definition of
42 recyclables. Industrial waste includes, but is not limited to: Mining wastes
43 from extraction, beneficiation and processing of ores and minerals unless

1 those minerals are returned to the mine site; fly ash, bottom ash, slag and
2 flue gas emission wastes generated primarily from the combustion of coal
3 or other fossil fuels; cement kiln dust; ~~waste used~~ oil and sludges; ~~waste~~
4 ~~used~~ oil filters; and fluorescent lamps.

5 (y) “Composting facility” means any facility that composts wastes and
6 has a composting area larger than one-half acre.

7 (z) “Household hazardous waste facility” means a facility established
8 for the purpose of collecting, accumulating and managing household haz-
9 ardous waste and may also include small quantity generator waste or ag-
10 ricultural pesticide waste, or both. Household hazardous wastes are con-
11 sumer products that when discarded exhibit hazardous characteristics.

12 (aa) “Waste-to-energy facility” means a facility that processes solid
13 waste to produce energy or fuel.

14 (bb) “Transfer station” means any facility where solid wastes are
15 transferred from one vehicle to another or where solid wastes are stored
16 and consolidated before being transported elsewhere, but shall not in-
17 clude a collection box provided for public use as a part of a county-op-
18 erated solid waste management system if the box is not equipped with
19 compaction mechanisms or has a volume smaller than 20 cubic yards.

20 (cc) “Municipal solid waste landfill” means a solid waste disposal area
21 where residential waste is placed for disposal. A municipal solid waste
22 landfill also may receive other nonhazardous wastes, including commer-
23 cial solid waste, sludge and industrial solid waste.

24 (dd) “Construction related packaging” means small quantities of
25 packaging wastes that are generated in the construction, remodeling or
26 repair of structures and related appurtenances. “Construction related
27 packaging” does not include packaging wastes that are generated at retail
28 establishments selling construction materials, chemical containers gen-
29 erated from any source or packaging wastes generated during mainte-
30 nance of existing structures.

31 (ee) *“Used oil” means any oil that has been refined from crude oil, or*
32 *synthetic oil, that has been used and as a result of such use is contaminated*
33 *by physical or chemical impurities.*

34 Sec. 2. K.S.A. 65-3402 is hereby repealed.

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

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