

HOUSE BILL No. 2295

By Committee on Energy and Environment

2-12

1 AN ACT concerning the department of health and environment; relating to
2 the water pollution control permit system; creating the water program
3 management fund; amending K.S.A. 2012 Supp. 65-166a and repealing
4 the existing section.
5

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

7 New Section 1. (a) There is hereby created in the state treasury the
8 water program management fund. The secretary shall remit to the state
9 treasurer, in accordance with the provisions of K.S.A. 75-4215, and
10 amendments thereto, all moneys collected or received by the secretary
11 from the following sources: (1) Water pollution control permit system fees
12 imposed pursuant to K.S.A. 65-166a, and amendments thereto;

13 (2) interest attributable to investment of moneys in the water program
14 management fund;

15 (3) gifts, grants, reimbursements or appropriations intended to be
16 used for the purposes of the fund, but excluding federal grants and
17 cooperative agreements; and

18 (4) any other moneys provided by law.

19 Upon receipt of each such remittance, the state treasurer shall deposit in
20 the state treasury any amount remitted pursuant to this subsection to the
21 credit of the water program management fund.

22 (b) Moneys in the water program management fund shall be expended
23 for the following purposes: (1) Monitoring and investigating the quality of
24 waters of the state;

25 (2) payment of the state's share of the clean water act matching costs,
26 as required by the federal clean water act, 33 U.S.C. § 1256(d);

27 (3) payment for emergency action by the secretary as necessary or
28 appropriate to assure that the public health or safety is not threatened
29 whenever there is a release from a wastewater treatment facility;

30 (4) payment of the administrative, technical and legal costs incurred
31 by the secretary in carrying out the provisions of K.S.A. 65-159 through
32 65-171y, and amendments thereto, including the cost of any additional
33 employees or increased general operating costs of the department
34 attributable therefore; and

35 (5) development of educational materials and programs for informing
36 the public about water issues.

1 (c) Expenditures from the water program management fund shall be
2 made in accordance with appropriation acts upon warrants of the director
3 of accounts and reports issued pursuant to vouchers approved by the
4 secretary or a person designated by the secretary.

5 (d) On or before the 10th of each month, the director of accounts and
6 reports shall transfer from the state general fund to the water program
7 management fund interest earnings based on: (1) The average daily
8 balance of moneys in the water program management fund for the
9 preceding month; and

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

12 (e) The water program management fund shall be used for the
13 purposes set forth in this act and for no other governmental purposes. It is
14 the intent of the legislature that the fund shall remain intact and inviolate
15 for the purposes set forth in this act, and moneys in the fund shall not be
16 subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and
17 amendments thereto.

18 (f) The secretary shall prepare and deliver to the legislature on or
19 before the first day of each regular legislative session, a report which
20 summarizes all expenditures from the water program management fund,
21 fund revenues and recommendations regarding the adequacy of the fund to
22 support necessary water program management programs.

23 Sec. 2. K.S.A. 2012 Supp. 65-166a is hereby amended to read as
24 follows: 65-166a. (a) The secretary of health and environment is
25 authorized and directed to establish by duly adopted rules or regulations a
26 schedule of fees to defray all or any part of the costs of administering the
27 water pollution control permit system established by K.S.A. 65-165 and
28 65-166, and amendments thereto. The amount of the fees so established
29 shall be based upon the quantity of raw wastes or treated wastes to be
30 discharged, units of design capacity of treatment facilities or structures,
31 numbers of potential pollution units, physical or chemical characteristics
32 of discharges and staff time necessary for review and evaluation of
33 proposed projects. In establishing the fee schedule, the secretary of health
34 and environment shall not assess fees for permits required in the extension
35 of a sewage collection system, but such fees shall be assessed for all
36 treatment devices, facilities or discharges where a permit is required by
37 law and is issued by the secretary of health and environment or the
38 secretary's designated representative. Such fees shall be nonrefundable.

39 (b) Any such permit for which a fee is assessed shall expire five years
40 from the date of its issuance. The secretary of health and environment may
41 issue permits pursuant to K.S.A. 65-165, and amendments thereto, for
42 terms of less than five years, if the secretary determines valid cause exists
43 for issuance of the permit with a term of less than five years. The

1 minimum fee assessed for any permit issued pursuant to K.S.A. 65-165,
2 and amendments thereto, shall be for not less than one year. Permit fees
3 may be assessed and collected on an annual basis and failure to pay the
4 assessed fee shall be cause for revocation of the permit. Any permit which
5 has expired or has been revoked may be reissued upon payment of the
6 appropriate fee and submission of a new application for a permit as
7 provided in K.S.A. 65-165 and 65-166, and amendments thereto.

8 (c) A permit shall be required for:

9 (1) Any confined feeding facility with an animal unit capacity of 300
10 to 999 if the secretary determines that the facility has significant water
11 pollution potential; and

12 (2) any confined feeding facility with an animal unit capacity of
13 1,000 or more.

14 (d) At no time shall the annual permit fee for a confined feeding
15 facility exceed:

16 (1) \$25 for facilities with an animal unit capacity of not more than
17 999;

18 (2) \$100 for facilities with an animal unit capacity of 1,000 to 4,999;

19 (3) \$200 for facilities with an animal unit capacity of 5,000 to 9,999;
20 or

21 (4) \$400 for facilities with an animal unit capacity of 10,000 or more.

22 (e) Annual permit fees for any truck washing facility for animal
23 wastes shall be as follows:

24 (1) For a private truck washing facility for animal wastes with two or
25 fewer trucks, not more than \$25;

26 (2) for a private truck washing facility for animal wastes with three or
27 more trucks, not more than \$200; and

28 (3) for a commercial truck washing facility for animal wastes, not
29 more than \$320.

30 (f) The secretary of health and environment shall remit all moneys
31 received from the fees established pursuant to this act to the state treasurer
32 in accordance with the provisions of K.S.A. 75-4215, and amendments
33 thereto. Upon receipt of each such remittance, the state treasurer shall
34 deposit the entire amount in the state treasury to the credit of the ~~state~~
35 ~~general fund~~ *water program management fund created in section 1, and*
36 *amendments thereto.*

37 (g) Any confined feeding facility with an animal unit capacity of less
38 than 300 may be required to obtain a permit from the secretary if the
39 secretary determines that such facility has significant water pollution
40 potential.

41 (h) Any confined feeding facility not otherwise required to obtain a
42 permit or certification may obtain a permit or certification from the
43 secretary. Any such facility obtaining a permit shall pay an annual permit

1 fee of not more than \$25.

2 Sec. 3. K.S.A. 2012 Supp. 65-166a is hereby repealed.

3 Sec. 4. This act shall take effect and be in force from and after its

4 publication in the statute book.