

**HOUSE BILL No. 2535**

By Committee on Energy and Environment

1-26

1 AN ACT concerning the department of health and environment; relating to  
2 solid waste, disposal, recycling, hypodermic needles and other sharps;  
3 amending K.S.A. 65-3409 and repealing the existing section.  
4

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

6 Section 1. K.S.A. 65-3409 is hereby amended to read as follows: 65-  
7 3409. (a) It shall be unlawful for any person to:

8 (1) Dispose of any solid waste by open dumping, but this provision  
9 shall not prohibit: (A) The use of solid wastes, except for waste tires, as  
10 defined by K.S.A. 65-3424, and amendments thereto, in normal farming  
11 operations or in the processing or manufacturing of other products in a  
12 manner that will not create a public nuisance or adversely affect the public  
13 health; or (B) an individual from dumping or depositing solid wastes  
14 resulting from such individual's own residential or agricultural activities  
15 onto the surface of land owned or leased by such individual when such  
16 wastes do not create a public nuisance or adversely affect the public health  
17 or the environment.

18 (2) Except as otherwise provided by K.S.A. 65-3407c, and  
19 amendments thereto, construct, alter or operate a solid waste processing or  
20 disposal facility or act as a waste tire transporter or mobile waste tire  
21 processor, as defined by K.S.A. 65-3424, and amendments thereto, without  
22 a permit or be in violation of the rules and regulations, standards or orders  
23 of the secretary.

24 (3) Violate any condition of any permit issued under K.S.A. 65-3407  
25 or 65-3424b, and amendments thereto.

26 (4) Conduct any solid waste burning operations in violation of the  
27 provisions of the Kansas air quality act.

28 (5) Store, collect, transport, process, treat or dispose of solid waste  
29 contrary to the rules and regulations, standards or orders of the secretary or  
30 in such a manner as to create a public nuisance.

31 (6) Refuse or hinder entry, inspection, sampling and the examination  
32 or copying of records related to the purposes of this act by an agent or  
33 employee of the secretary after such agent or employee identifies and  
34 gives notice of their purpose.

35 (7) Violate ~~subsection (b) of K.S.A. 65-3424a(b), subsection (c) of~~  
36 ~~K.S.A. 65-3424b(c) or K.S.A. 65-3424i,~~ and amendments thereto.

1 (8) Divide a solid waste disposal area which has been issued a permit  
2 pursuant to K.S.A. 65-3407, and amendments thereto, into two or more  
3 parcels of real property for the purpose of selling or transferring a portion  
4 of the permitted area to a new owner without receiving prior approval of  
5 the secretary. If the secretary does not approve or deny the division of the  
6 area within 60 days after the matter is submitted to the secretary for  
7 approval, the division shall be deemed to have been approved. Approval  
8 pursuant to this subsection shall not be necessary for transfer of a  
9 permitted solid waste disposal area as allowed by ~~subsection (i)(1) of~~  
10 K.S.A. 65-3407(i)(1), and amendments thereto.

11 (9) *Knowingly place household sharps, or other medical household*  
12 *waste containing used or unused sharps, including, but not limited to,*  
13 *hypodermic, intravenous or other medical needles, syringes or other*  
14 *sharps, either separated or mixed with any other material, into a*  
15 *container intended for recyclable material for collection by a residential*  
16 *hauler and processing at a recycling center.*

17 (b) No person shall be held responsible for failure to secure a permit  
18 under the provisions of this section for the dumping or depositing of any  
19 solid waste on land owned or leased by such person without such person's  
20 expressed or implied consent, permission or knowledge.

21 (c) Any person who violates any provision of subsection (a) shall be  
22 guilty of a class A misdemeanor and, upon conviction thereof, shall be  
23 punished as provided by law.

24 Sec. 2. K.S.A. 65-3409 is hereby repealed.

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