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

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

New Section 1. (a) There is hereby created in the state treasury the
water program management fund. The secretary shall remit to the state
treasurer, in accordance with the provisions of K.S.A. 75-4215, and
amendments thereto, all moneys collected or received by the secretary
from the following sources: (1) Water pollution control permit system fees
imposed pursuant to K.S.A. 65-166a, and amendments thereto;
(2) interest attributable to investment of moneys in the water program
management fund;
(3) gifts, grants, reimbursements or appropriations intended to be
used for the purposes of the fund, but excluding federal grants and
cooperative agreements; and
(4) any other moneys provided by law.

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

(b) Moneys in the water program management fund shall be expended
for the following purposes: (1) Monitoring and investigating the quality of
waters of the state;
(2) payment of the state's share of the clean water act matching costs,
as required by the federal clean water act, 33 U.S.C. § 1256(d);
(3) payment for emergency action by the secretary as necessary or
appropriate to assure that the public health or safety is not threatened
whenever there is a release from a wastewater treatment facility;
(4) payment of the administrative, technical and legal costs incurred
by the secretary in carrying out the provisions of K.S.A. 65-159 through
65-171y, and amendments thereto, including the cost of any additional
employees or increased general operating costs of the department
attributable therefore; and
(5) development of educational materials and programs for informing
the public about water issues.
(c) Expenditures from the water program management fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person designated by the secretary.

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

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

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

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

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

(b) Any such permit for which a fee is assessed shall expire five years from the date of its issuance. The secretary of health and environment may issue permits pursuant to K.S.A. 65-165, and amendments thereto, for terms of less than five years, if the secretary determines valid cause exists for issuance of the permit with a term of less than five years. The
minimum fee assessed for any permit issued pursuant to K.S.A. 65-165, and amendments thereto, shall be for not less than one year. Permit fees may be assessed and collected on an annual basis and failure to pay the assessed fee shall be cause for revocation of the permit. Any permit which has expired or has been revoked may be reissued upon payment of the appropriate fee and submission of a new application for a permit as provided in K.S.A. 65-165 and 65-166, and amendments thereto.

(c) A permit shall be required for:

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

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

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

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

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

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

or

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

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

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

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

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

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

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

(h) Any confined feeding facility not otherwise required to obtain a permit or certification may obtain a permit or certification from the secretary. Any such facility obtaining a permit shall pay an annual permit
fee of not more than $25.

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

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.