

Land-Spreading of Drilling Waste; Disposal of Radioactive Materials; Water Quality Variances; SB 124

SB 124 authorizes the Secretary of Health and Environment to adopt rules and regulations on the land-spreading of solid waste generated by drilling oil and gas wells. The bill extends indefinitely the land-spreading program managed jointly by the Kansas Department of Health and Environment (KDHE) and Kansas Corporation Commission (KCC).

The bill requires the seller of any property where land-spreading has occurred within the previous three years to disclose the land-spreading to any potential purchaser of the property prior to closing. In addition, the bill requires the KCC, in coordination with KDHE, to annually present a report on land-spreading to the Senate Committee on Natural Resources, Senate Committee on Utilities, Senate Committee on Ways and Means, House Committee on Agriculture and Natural Resources, House Committee on Energy and Utilities, and House Committee on Appropriations.

The bill allows for the disposal of waste containing low concentration of naturally occurring radioactive materials (NORM) and technologically-enhanced NORM (TENORM) by underground burial. The underground burial of all low-level radioactive waste had been prohibited. The bill authorizes the Secretary of Health and Environment to promulgate rules and regulations on or before July 1, 2016, regarding the allowable concentrations and sources of NORM and TENORM waste.

The bill also updates the definition of “by-product material” with the language specified by the federal Nuclear Regulatory Commission and replaces a reference to a Board that no longer exists with a reference to the Secretary of Health and Environment.

Finally, the bill allows the Secretary of Health and Environment, through rules and regulations, to establish variances to water quality standards that may apply to specified pollutants, permittees, or waterbody segments that reflect the highest attainable condition during the specified time period for the variance.