

Land-Spreading Procedures & Costs Report

Disposal of Solid Waste Generated by Drilling of Oil and Gas Wells through Land-spreading

K.S.A. 65-3407c(a)(8), enacted July 1, 2012, allows the Secretary of Health and Environment (Secretary) to authorize persons to carry out activities without a solid waste permit, including the disposal through land-spreading of solid waste generated by drilling oil and gas wells. The land-spreading is to be done in accordance with best management practices and maximum loading rates developed by the Secretary. For areas receiving more than 25 inches of precipitation annually, solid waste disposed through land-spreading must be incorporated into the soil. Additionally, no land-spreading is allowed on any area where the water table is less than ten feet below the surface, or on any area where there is documented groundwater contamination as determined by the Kansas Department of Health and Environment (KDHE).

For each land-spreading location, an application is to be filed with the KDHE, containing the location, soil characteristics, waste characteristics, waste volumes, drilling mud additives, and land-spreading method to be used. A fee of \$250 will be assessed for each application. A land-spreading application will not be approved for the same location unless a minimum of three years has passed since any previous land-spreading occurred on that location. In addition, a post-land-spreading report is required once the land-spreading is complete.

The Secretary has entered into an agreement with the Kansas Corporation Commission (KCC) to administer the program, monitor compliance, and establish mechanisms for enforcement and remedial action. In addition, the Secretary, in coordination with the KCC, was required to adopt rules and regulations governing land-spreading. Throughout development

of rules and regulations, the Secretary and the KCC sought advice of and comments from not only Groundwater Management Districts but also other groups and persons knowledgeable and experienced in the subject matter. The KCC presented a report which included information on the costs associated with the regulation of land-spreading to the Senate Committee on Natural Resources, the Senate Committee on Ways and Means, the House Committee on Agriculture and Natural Resources, and the House Committee on Appropriations. These provisions took effect upon publication in the *Kansas Register*, and were set to expire on July 1, 2015.

In 2015, the legislature passed SB 12 to amend K.S.A. 65-3407c(8) in several ways. First, it reinstated the reporting provision. This report on the costs of implementing and regulating land-spreading is now required annually. Next, sellers of property where land-spreading has occurred in the three years previous to the sale of the property must disclose the procedure and date it was performed to the buyer prior to closing on the property. Lastly, the sunset provision has been eliminated.

Update: An application for land-spreading was received and approved to spread water-based drilling waste from two wells in Rice County, Kansas, in May 2013. A follow-up inspection in February 2015 did not reveal any areas without growth related to the procedure. No applications or inspections have occurred since.

Salary and Wages from 7/1-12/9 FY 2021		
Agency	Hours	Cost
*KDHE	0	\$0.00
**KCC	0	\$0.00

* Majority paid from Solid Waste Management Fund. Less than 5% paid from State General Funds and Water Program Funds.

** Paid from Conservation Fee Fund.