

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Sharon Schwartz at 3:30pm on Wednesday, March 11, 2015, 346-S of the Capitol.

All members were present

Committee staff present:

Raney Gilliland, Legislative Research Department
Joanna Wochner, Legislative Research Department
Shirley Jepson, Kansas Legislative Committee Assistant
Natalie Scott, Office of Revisor of Statutes

Conferees appearing before the Committee:

John Mitchell, Division of Environment, Department of Health and Environment
Bill Bider, Director, Bureau of Waste Management, Department of Health and Environment
Ryan Hoffman, Director, Conservation Division, Kansas Corporation Commission

Others in attendance:

[See Attached List](#)

Hearing on: HB2303 — Allowing the secretary of health and environment to establish variances to water quality standards.

Chair Schwartz opened the hearing on **HB2303**, explaining the fiscal note is not available as the budget office has not received requested information from the agency.

Natalie Scott, Revisor, provided a brief description of **HB2303**, stating that the bill would amend provisions in current statute by adding rules and regulations to include establishment of variances to water quality standards that may apply to specified pollutants, permittees, or water body segments that reflect the highest attainable condition during the specified time period for the variance ([Attachment 1](#)).

Proponents:

John Mitchell, Director, Division of Environment, Department of Health and Environment, appeared before the Committee in support of **HB2303** ([Attachment 2](#)). Mr. Mitchell explained that the bill would give the Secretary of the Department of Health and Environment the authority to develop regulations for water quality standard variances. Mr. Mitchell indicated that the agency is suggesting that the Committee consider a slight modification to the language in Section 1 of the bill to move the words "variances to" from in front of "water quality standards" to after the phrase and remove the word "to".

Mr. Mitchell responded to questions from the Committee.

There were no other proponents, neutrals or opponents to appear before the Committee.

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The hearing on **HB2303** was closed.

Hearing on: HB2304 — Creating the local conservation lending program.

Chairperson Schwartz opened the hearing on **HB2304**. The Chair noted that a fiscal note is not available as the budget office is waiting for additional information as requested from the agency.

Natalie Scott, Revisor, provided an explanation of the bill, noting that **HB2304** creates the local conservation lending program (LCLP). Under the program, the secretary may facilitate loans by eligible financial institutions for the construction, design, rehabilitation and enhancement of non-point source control systems for public or private users ([Attachment 3](#)).

Proponents:

John Mitchell, Director, Division of Environment, Department of Health and Environment, provided testimony in support of **HB2304** ([Attachment 4](#)). Mr. Mitchell indicated that the program would allow LCLP to invest funds from the Kansas Water Pollution Control Revolving Fund into local lending institutions in exchange for low-interest loans to eligible borrowers for the implementation of conservation practices.

Mr. Mitchell responded to questions from the Committee.

Written testimony in support of **HB2304** was received from:

Earl Lewis, Assistant Director, Kansas Water Office ([Attachment 5](#)).

John Donelly, Kansas Farm Bureau ([Attachment 6](#))

There were no other proponents, neutral, or opponents to appear before the Committee.

The hearing on **HB2304** was closed.

Hearing on: SB124 — Eliminating the sunset on landspreading of oil and gas drilling waste.

Chair Schwartz opened the hearing on **SB124**.

Natalie Scott, Revisor, provided an explanation of the bill, noting that **SB124** amends provisions relating to solid waste disposal ([Attachment 7](#)). **SB124** would require best practices for disposing of solid waste generated by drilling oil and gas wells by landspreading to be established in rules and regulations promulgated by the secretary of the department of health and environment. This bill would also extend the sunset on current law to July 1, 2018.

Bill Bider, Director, Bureau of Waste Management, Department of Health and Environment, appeared before the Committee in support of **SB124** ([Attachment 8](#)). Mr. Bider explained that the bill would update provisions of current law. The agency had requested that the sunset date be removed from the current statute; however, the Senate Natural Resources Committee chose to amend the bill by

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extending the sunset to July 1, 2018.

Mr. Bider responded to questions from the Committee.

Ryan Hoffman, Director, Conservation Division, Kansas Corporation Commission, appeared before the Committee in support of **SB124** ([Attachment 9](#)). Mr. Hoffman explained that the practice of land-spreading is not widely used in Kansas. Mr. Hoffman also noted that the reporting amended into the legislation is of little value because the practice is not widely used. In addition, Mr. Hoffman believes the elimination of the sunset provision would be more ideal to preserve this alternative waste disposal method for future use without the risk of losing the statutory authority.

Mr. Hoffman responded to questions from the Committee.

There were no other conferees to appear as a proponent or neutral on **SB124**.

Opponents:

Written testimony in opposition to **SB124** was received from Patrick Vogelsberg, National Waste & Recycling Association ([Attachment 10](#)).

The hearing on **SB124** was closed.

Hearing on: SB125 — Allowing NORM and TENORM to be eligible for disposal in Kansas landfills.

Chair Schwartz opened the hearing on **SB125**.

Natalie Scott, Revisor, provided an explanation of the bill, noting that **SB125** amends provisions relating to radioactive materials ([Attachment 11](#)).

Proponents:

Bill Bider, Director, Bureau of Waste Management, Department of Health and Environment, provided testimony in support of **SB125** ([Attachment 12](#)). Mr. Bider explained that passage of the bill would allow the most common disposal method for drilling waste in on-site pits permitted by the Kansas Corporation Commission to continue along with the Disposal of NORM containing waste in certain permitted landfills that satisfy the highest design and operating requirements. Mr. Bider noted that the bill also contains other needed changes to the radiation laws.

Mr. Bider responded to questions from the Committee.

Ryan Hoffman, Director, Conservation Division, Kansas Corporation Commission, presented testimony in support of **SB125** ([Attachment 13](#)). Mr. Hoffman indicated that the bill would allow for landfilling or burial of waste containing low levels of naturally occurring radioactive materials in

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Kansas. The statutory change would conform to current and historical oil and gas industry practices. KCC view the bill as necessary to correct a technicality regarding the burial of exploration and production waste on site.

Mr. Hoffman responded to questions from the Committee.

Written testimony in support of **SB125** was received from Patrick Vogelsberg, National Waste & Recycling Association ([Attachment 14](#)) .

There were no other proponents, neutrals or opponents to appear before the Committee.

The hearing on **SB125** was closed.

Adjournment

The meeting was adjourned at 5:00 pm. The next meeting of the Committee is scheduled for March 12, 2015.