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TESTIMONY

TO: HOUSE ENERGY & ENVIRONMENT COMMITTEE

FROM: PATRICK M. GOEKE, P.E.
AMERICAN COUNCIL OF ENGINEERING COMPANIES OF KANSAS

RE: HB 2192

DATE: FEBRUARY 16, 2015

Mister Chairman, members of the committee, thank you for the opportunity to appear today. My name is Patrick Goeke, and I am here on behalf of ACEC Kansas to speak in support of HB 2192. ACEC Kansas is the trade association representing private consulting engineering businesses in Kansas and I am a professional engineer who performs environmental work in the State of Kansas.

For over 35 years, I have been working with Kansas Department of Health and Environment (KDHE) and the Bureau of Environmental Remediation (BER) to address contamination of the soils and groundwater in the State of Kansas due to the leaking of gasoline from underground storage tanks, as well as a broad range of chemicals from dry cleaning, industrial and agricultural facilities.

As a professional engineer and taxpayer of the state of Kansas, I have observed how KDHE has spent the Petroleum Storage Tank Release Trust Fund (PSTRTF) Program money in trusted to it by the taxpayers. It is been my experience, that the KDHE BER staff have taken a commonsense approach to addressing the environmental needs of the State of Kansas and have spent taxpayer money in a cost-effective manner solving problems that can be solved, and not wasting money on problems where solutions do not exist and/or a risk to the taxpayers does not warrant the expenditure of funds. The State of Kansas PSTRTF Program has resulted in the cleanup of a significant number of contaminated facilities that would likely not have been restored without the program.

Unfortunately, funding of the various environmental programs within KDHE has varied significantly, depending on available revenue from the general fund, or fees

and taxes supporting the various programs. In the case of the PSTRTF, the program has been well-funded and the partnership between the responsible parties, consulting engineers, and regulators has resulted in the cleanup of numerous leaking underground storage tanks throughout the state.

Unfortunately other programs such as the Dry Cleaning Facility Release Trust Fund (DFRTF), the State Water Plan Program, and the Kansas Agricultural Remediation Program have not been able to achieve results similar to the PSTRTF Program due to the lack of adequate funding of these programs, either through general funds or taxes on applicable chemicals.

For years, the penny-a-gallon tax on gasoline that funds the PSTRTF Program has only been collected on a part-time basis during each year. As a taxpayer, I do not know when the trust fund is collecting the tax and when it is not. I suspect it is likely that the price of gasoline does not change when the tax is not collected.

As a conservative taxpayer who generally does not want to see taxes increase, in this case, I believe it is in the best interest of the taxpayers of Kansas to pass House Bill 2192 and provide much needed additional revenue to the other environmental programs of the state.

While some may oppose any increase in taxes, or additional taxes on gasoline, we taxpayers are already paying this tax approximately 50% of the time. The amount of benefit that the additional tax money can be used to restore the waters of the state easily offsets the negative impact rising taxes generally have on the state's economy. I urge you to pass House Bill 2192 and provide much needed funds to important environmental restoration programs that have been seriously lacking funding for many years.

Thank you again for the opportunity to appear before you today. I would be happy to stand for questions at the appropriate time.