



TO: House Committee on Energy and Environment
FROM: Randy E. Stookey, General Counsel, Kansas Grain and Feed Association (KGFA)
Kansas Agribusiness Retailers Association (KARA)
Leslie Kaufman, President and CEO, Kansas Cooperative Council (KCC)
RE: **Joint testimony in support of HB 2193**, relating to solid and hazardous waste, creating a new Risk Management Plan Act
DATE: February 16, 2015

Chairman Hedke and members of the Committee, thank you for allowing us the opportunity to testify in support of House Bill 2193. KGFA is a voluntary trade association with a membership encompassing the entire spectrum of the grain receiving, storage, processing and shipping industry in the state of Kansas. The Kansas Cooperative Council (KCC) represents all types of cooperative businesses in Kansas including agriculture marketing and supply, utilities, financial co-ops and consumer cooperatives. KARA is a voluntary trade association whose membership includes over 700 agribusiness firms that are primarily retail facilities supplying fertilizers, crop protection chemicals, and seed to Kansas farmers.

The Kansas Dept. of Health and Environment (KDHE) administers a voluntary cleanup and property redevelopment program (VCP). As good stewards of Kansas land and ground water, many of our organizational members that handle, store and transport bulk pesticides and fertilizer materials have participated in KDHE's voluntary cleanup program to remediate a site following a release.

Experience has demonstrated to KDHE and industry participants that the VCP enabling act has served to unnecessarily impede healthy progression of a certain percentage of these ag chemical projects. For that reason, KDHE proactively met with industry participants in the program to review the enabling act and identify what changes could be made to the act to address growing concerns over the time and cost conditions of the program, and increase the percentage of participants successfully completing the program, in order to further the original legislative intent of the act of ensuring clean water and soil.

As a result of those meetings, KDHE has proposed a new Risk Management Plan (RMP) act, which would allow a VCP participant the opportunity to successfully leave the VCP, and enter into a long-term monitoring agreement with KDHE, when active remediation efforts are shown to be no longer fruitful due to the type and location of the target contaminant.

The proposed RMP program has the potential to benefit KDHE by voluntarily removing remediation sites that no longer fit the structure of existing remediation programs such as the VCP. The proposed RMP program will be more realistically structured to meet the long term monitoring and remediation goals and timelines required of our agricultural sites by KDHE.

We would ask that the Committee pass this bill favorably out of Committee. Thank you for the opportunity to share our comments, and I will stand for questions at the appropriate time.