

## MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Larry Powell at 8:30am on Wednesday, March 11, 2015, 159-S of the Capitol.

All members were present except:

Senator Caryn Tyson – Excused

Senator Michael O'Donnell – Excused

Committee staff present:

Mark Savoy, Legislative Research Department

Heather O'Hara, Legislative Research Department

Toni Beck, Kansas Legislative Committee Assistant

Tamera Lawrence, Office of Revisor of Statutes

Conferees appearing before the Committee:

Leo Henning, KS Department of Health and Environment

Randy Stookey, KS Grain, KS Cooperative Council, KS Agribusiness Retailers

Charles Brewer, GSI Engineering

Jarold Boettcher, Boettcher Enterprises

Julie Westhoff, Kennedy Jenks Consultants

Tom Palace, Petroleum Marketers and Convenience Stores Associations

Others in attendance:

[See Attached List](#)

### **Hearing on: HB2192 — Kansas storage tank act.**

Chairman Powell opened the hearing on the bill.

Tamera Lawrence presented an overview.

Leo Henning presented testimony in favor of the bill stating the bureau administers a number of remediations programs with the goal of seeing that contamination is properly addressed so that the impacted property can return to productive use. Bureau Environmental Remediation (BRE) funding manages orphaned (deserted) sites. ([Attachment 1](#))

Tom Palace presented testimony in favor of the bill stating the bill encourages underground storage tank owners to upgrade single wall units to double wall using the Redevelopment funds available. Incentive is \$50,000 for replacement of existing tanks only. ([Attachment 2](#))

Charles Brewer presented testimony in favor of the bill stating the bill replacement system must occur after August 8, 2005, and before June 30, 2020. Eligibility for re-imbursement is specifically detailed in K.S.A. 65-34, 117. Maximum reimbursement being \$50,000. ([Attachment 3](#))

Michael Talboy submitted written testimony in support of the bill for the Environmental Stewardship Fund. ([Attachment 4](#))

## CONTINUATION SHEET

MINUTES of the Committee on Natural Resources at 8:30am on Wednesday, March 11, 2015, 159-S of the Capitol.

Patrick Goeke submitted written testimony in support of the bill to address contamination of the soils and groundwater due to the leaking of gasoline underground storage tanks. ([Attachment 5](#))

### Discussion:

Line 29 on page 1 of the bill was addressed for leaking and preventative measures. Fees of \$1.7 million per year would be credited to the Bureau of Remediation Environmental Fund. Revisor, Tamera Lawrence commented the fund can be attached by a proviso by the legislature if need be. Reimbursement payment is incentive to replace single walled storage units.

Chairman Powell closed the hearing on the bill.

### **Hearing on: HB2177 — Voluntary cleanup and property redevelopment act.**

Chairman Powell opened the hearing on the bill.

Tamera Lawrence presented an overview.

Leo Henning presented testimony in support of the bill stating the Voluntary Cleanup Program (VCP) has been successful since the creation in 1997. Revisions are being proposed to address closing of sites that pose little risk to human health and environment. ([Attachment 6](#))

Randy Stookey presented testimony in support of the bill commenting KDHE has growing concerns within the industry regarding the time an entity remains "active" under the program. ([Attachment 7](#))

Charles Brewer presented testimony in favor of the bill that would apply performance based standards when closing sites instead of rigid standards that do not allow for site specific conditions. ([Attachment 8](#))

Jarold Boettcher presented testimony in favor of the bill commenting five plant sites have been identified by KDHE as being potential sources of contamination from nitrate in groundwater and soil. ([Attachment 9](#))

Julie Westhoff presented testimony in favor of the bill commenting it would allow flexibility to address environmentally impacted sites in a safe manner. ([Attachment 10](#))

Patrick Goeke submitted written only testimony in favor of the bill commenting this would allow the director latitude for appropriate sites while not creating undue economic burden on the industry. ([Attachment 11](#))

Max Shepard submitted written only testimony in favor of the bill stating it is a challenge for KDHE to meet specified standards to obtain a "No Further Action" classification. ([Attachment 12](#))

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Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES of the Committee on Natural Resources at 8:30am on Wednesday, March 11, 2015, 159-S of the Capitol.

Paul Clark submitted written only testimony in support of the bill stating strengthening of the KDHE statutes would be beneficial for citizens. ([Attachment 13](#))

Chairman Powell closed the hearing on the bill.

With limited time constraints due to other committee obligations, Chairman Powell moved the hearing for **HB2193-Solid and hazardous waste and the risk management program act** to Thursday, March 12.

The next scheduled meeting will be Thursday, March 12.

There being no further business, the meeting was adjourned at 9:30 am.