

M I N U T E S

SPECIAL COMMITTEE ON SELECTED STUDIES -- HOUSE

September 14 and 15, 1976

Room 510 - State House

Members Present

Representative Lynn Whiteside, Chairman  
Representative Mike Glover  
Representative Rex Hoy  
Representative Jim Lowther  
Representative Donald Mainey  
Representative Bill Reardon  
Representative Frank Smith  
Representative Robert Whittaker

Staff Present

Myrta Anderson, Kansas Legislative Research Department  
Ramon Powers, Kansas Legislative Research Department  
Donald L. Jacka, Jr., Kansas Legislative Research Department  
Emalene Correll, Kansas Legislative Research Department  
Mary Ann Torrence, Revisor of Statute's Office

Conferees and Others Present

September 14, 1976

Chuck Linn, Kansas Department of Health and Environment, Topeka  
William R. Bryson, Kansas Department of Health and Environment, Topeka  
Dwight Metzler, Secretary, Kansas Department of Health and Environment, Topeka  
Mel Gray, Kansas Department of Health and Environment, Topeka  
Howard Duncan, Kansas Department of Health and Environment, Topeka  
Glenda Holder, Eagle-Beacon, Wichita  
Mrs. Frank Duranel, Benton  
Mrs. Dennis Hill, Benton  
Dennis Hill, Benton  
Frank Duranel, Benton  
Paul Scry, Kansas City  
Julie Ortega, Kansas City  
Bryson Mills, Attorney, KDIWOK, Wichita  
Bill Abbott, The Boeing Company, Wichita  
Lee Deets, Standard Test and Engineering Company, Oklahoma City, Oklahoma  
Representative Ben Foster, Wichita  
Representative Ardena Matlack, Clearwater  
John Hale, County Commissioner, Sedgwick County  
Paul Duranleau, KDIWOK  
Elaine Bodecker, KDIWOK  
Reverend Clinton Bebe, Palmyra Baptist Church, Lincoln Township, Sedgwick County

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Harold E. Long, Farmers Home Administration, Topeka  
Byron Wood, Kansas Department of Economic Development, Topeka  
Chris McKenzi, State Planning and Research, Topeka  
Harold Shoaf, Kansas Electric Cooperatives, Topeka  
Mike Hrynewich, Kansas Savings and Loan League, Topeka  
Ernie Mosher, Kansas League of Municipalities, Topeka  
V.P. Deines, Kansas State University, Manhattan  
William H. Honstead, Kansas Industrial Extension Service, Kansas State University,  
Manhattan

Conferees and Others Present (cont'd.)

Beatrice Swoops, Land Use Coalition of Kansas, Kansas Catholic Conference,  
Kansas City, Kansas  
Mrs. Leo Schmitz, Land Use Coalition of Kansas, Marysville  
Leo Molinaro, American City Corporation, Columbia, Maryland  
Jack Lacy, Economic Development Committee, Junction City  
Oscar W. Norby, Division of Cooperative Extension, Kansas State University, Manhattan  
John Stitz, Land Use Coalition, Kansas City, Kansas

Representative Whiteside called the meeting to order at 10:00 a.m. He stated the topic under consideration for the September 14 meeting was the Hazardous Industrial Waste Disposal Facility in Northeast Sedgwick County. Representative Whiteside stated that it had been suggested that in addition to the report to be submitted on Value Engineering that the Committee approve draft legislation indicating that up to \$40,000 be appropriated to hire value engineering consultants who would be selected by the Secretary of Administration and hired by the Division of Purchases to report to the Secretary of Administration and Division of Purchases on value engineering projects. These consultants would in turn hold workshops and give seminars to state agency personnel. The Committee agreed and directed staff to draft such legislation.

Chairman Whiteside then introduced Dwight Metzler, Secretary of the Department of Health and Environment who introduced other members of his staff -- Mel Gray, Howard Duncan, Chuck Linn, John Paul Getz, and Bill Bryson. Secretary Metzler made a few introductory comments, stating that the staff would show slides of solid waste facilities, and then present a statement of formal recommendations to the Committee. He introduced Mel Gray who stated that he recognized the sensitivity of the issue but the Health and Environment staff was not prepared to discuss the Furley site, but rather the adequacies of state legislation and the tools available to solve the problems. Their staff presentation would be primarily directing attention to the general principles of solid waste control, as it relates to residual waste and not radioactive waste.

Mr. Gray then introduced John Paul Getz, Industrial Waste Engineer of the Solid Waste Department, who gave a slide presentation of solid waste disposal sites in Kansas. The slides illustrated the following waste disposal sites: heavy Kansas industrial plant, electro-plating plant, chlorinated solvents manufacturing plant, sludge dumping area, barrel reconditioning plant, waste water district plant, and a light manufacturing industry. Mr. Gray stated they had shown the slides to illustrate the atrocious conditions that had existed in Kansas, as indicated in an industrial waste survey taken in 1974. As of July 1, 1976, each operation, such as listed in the slides, must now have a state permit to operate. No funding was provided, however, in the development of this plan, and very little control was given in the legislation to correct the problems shown in the slides. Many industries are continuing to dispose of industrial waste in an undesirable manner. Various states handle this problem in different ways. In Oklahoma, for example, unless the Governor signs a reciprocity agreement, no waste can be brought into the state. Missouri is also considering reciprocity agreements.

Mr. Gray distributed a report on "Residual Waste Management Issue Analysis," prepared by the Bureau of Environmental Sanitation, Division of Environment (see Attachment I). He referred to Attachment A in this report, which gives a summary of hazardous waste generation and disposal practices in Kansas during 1974. The report covered a total of 396 Kansas industries surveyed, which represented 9.2 percent of the total 4,306 Kansas industries. A geographical summary was presented by district of the total generation of hazardous wastes. The report also gives a summary of the class of material disposed of and the technique for disposal. The report does not include any radioactive materials and does not include materials disposed of in deepwell injection systems. Mr. Gray described various methods of recycling. The study of hazardous waste generation and disposal practices was undertaken to determine the problems and to prepare Kansas for an adequate handling of the problem. In response to questioning, Mr. Gray indicated that within two to four years other states would probably have legislation to prohibit us from dumping in other states.

Mr. Gray stated that five or six years ago the state was faced with a similar problem of control of septic tanks. He stated that it was difficult in cases of hazardous industrial waste disposal sites to foresee problems until faced with development of facilities. He stated that in some cases in addition to permits, bonding is required. It is also necessary to maintain monitoring of the site after the site is closed.

Mr. Getz gave a second slide presentation of waste disposal sites. These slides illustrated a liquid processing center site, a petroleum refining sludge dump, chemical land fill, incinerator disposal of solvents, lagoons, etc.

Mr. Gray then introduced Chuck Linn who presented a conceptual drawing of an artist's rendition of the construction of the site at Furley. He described the 80 acre tract of ground, the location of the pond, storage lagoons, access routes, the location of the house for the manager on the site, etc. It was pointed out that there would be no open burning on the site and that there would be no municipal waste disposed of, only industrial residue. As to the future use of the 80 acre tract, it was pointed out that it would probably not be used for agriculture but would become a green space area. In some cases such sites have been deeded to a public agency. In response to questioning, it was pointed out that trucks would enter only at the permission of the operator and there would be a specific policy for handling of materials, such as a permit for a bill of lading for each material hauled into the site, etc.

Mr. Grey then introduced Mr. Bill Bryson of the Department of Health and Environment who presented background information on the geological formation of the site. Mr. Bryson stated that there were very few geological formations suitable for storage of hazardous waste material. He described the tests taken to determine the feasibility of the site. The tests by Standard Test and Engineering Company also indicated that the 80 acres to the south of the site indicated similar typography.

Mr. Metzler, Secretary, Department of Health and Environment, then summarized various issues presented in the Department's report on residual waste (see Attachment I). He stated that the Department of Health and Environment needed additional tools in the fields of air and water pollution control and solid waste controls in order to evaluate the problems and arrive at procedures for solving them. He discussed alternative solutions for the handling of waste disposal sites. In addition to the private contract procedure, it would be possible to establish a private non-profit authority, such as the Turnpike Authority, to handle the hazardous waste disposal problem. The province of Ontario in Canada, for example, has established a Waste Disposal Authority which owns property for sites and then leases it back to private sources. Another system requires cash bonds or maintenance bonds before such sites are approved. Another procedure would require public ownership of such sites. This procedure was followed during the 1940's by the State Board of Health with housing developments.

Secretary Metzler then discussed what the Department considers to be the key issues which must be resolved in the development of an industrial waste control program. These are listed in the final five pages of the report under issues, possible strategies or alternatives, existing authority, and action needed (See Attachment I). In response to questioning, Secretary Metzler indicated Kansas would need from three to five such hazardous waste disposal sites by 1980. Committee discussion followed. The Committee then adjourned for lunch.

Chairman Whiteside called the meeting to order at 1:30 p.m. and introduced the next conferee, Commissioner John Hale, of Sedgwick County. Commissioner Hale stated that he was appearing in opposition to the licensing of the proposed waste disposal site at Furley. He stated that in his opinion, no one had guaranteed that the proposed site was not a dangerous site. Mr. Hale stated he was appearing as a representative of the people to raise opposition to the proposed site. He said the county officially has no voice in the matter since the application for licensing is not made to the county and since there are no countywide zoning regulations in Wichita covering such facilities. During the Committee discussion which followed it was pointed out that the Department of Health and Environment has the authority and is required to issue the permit for the site, since the applicant has met the necessary requirements for licensing. A representative of the Department of Health and Environment indicated that the Department could be taken to court and required to issue such a permit.

Mr. Paul Duranleau, Chairman of KDIWOK, was the next conferee. He stated that he was a building contractor and an owner of land near the proposed site. He said he was primarily concerned with the fact that the people who bought the land for the industrial waste facility site had not informed the owner as to what the land would be used for. He said there were about 200 residents within a radius of three miles of the site who would be affected by the building of the site. Mr. Duranleau presented Chairman Whiteside with a number of petitions containing signatures of persons who opposed creation of a solid waste disposal plant proposed to be located near Furley (Attachment II).

Mr. Dennis Hill, Benton, a member of the KDIWOK Committee appeared next on the agenda. Mr. Hill stated that he was appearing as a concerned citizen and a member of the Furley community in opposition to the proposed waste disposal site. He said his concern was for the future in case the experts and technicians were found to be wrong. He said there was always the possibility of a freak storm which would create drainage problems and would raise questions as to whether the waste could be contained. He stated that the location of the site would decrease the value of the surrounding land and said he, too, was concerned that the owners of the land had not been informed of the potential use of the land. In response to questioning, Mr. Hill stated the value of the land in question was approximately \$900 per acre.

Mr. Blain Bodecker, a member of KDIWOK, also appeared in opposition to the proposed site.

Mr. Bryson Mills, attorney for KDIWOK, was the next conferee. Mr. Mills stated that he was in agreement with Mel Gray and Dwight Metzler that the problem of such waste disposal sites needs to be studied. He stated that he felt public hearings, such as those held by the Health Department, and the present legislative hearing were necessary so that citizens affected could make their views known. He stated that if any legislation is proposed that the KDIWOK Committee could share in the applause for focusing attention on the problem. Mr. Mills presented proposed legislation which he said would implement some of the proposed changes that the KDIWOK Committee supported (see Attachment III).

Mr. Mills said they had drawn upon the Model Act as supported by the Solid Waste Management Association, the present Kansas law, and the statutes in other states such as Oklahoma, etc. when making the suggested recommendations.

Dean Hopkins, President of the Whitewater Chamber of Commerce, appeared in opposition to the site. He said the people of the area were asking the legislature for help since they felt more time was needed to study the issue. As a representative of the trade area of Whitewater, Benton, Valley Center, etc. he said he had no difficulty in getting signatures for the petition in opposition to the site.

Dr. J.R. Berg, geologist and geochemist, also appeared in opposition to the site. He said he had first heard of the problem from a reporter of the Augusta Gazette. He stated that he had reservations about location of the site which were primarily technical. He stated various details of the consultant's report which he had access to which he disagreed with. He said he was concerned about the permeability of the area, that as far as dry holes and wells were concerned that only if the abandoned wells had good seals would there be no infiltration into underlying strata. He stated that one reason Hutchinson was not accepted as a storage site for nuclear waste was because of old wells which were not sealed in the area. He said the report described the area as a unique area but Wellington shale and Prairie Creek limestone could be found in other locations and he felt there might be more logical locations for the site.

Reverend Clinton Bebe, Palmyra Baptist Church, also appeared in opposition to the site. He presented a statement to the Committee on behalf of his church (see Attachment IV).

Representative Ardena Matlack also appeared in opposition to the site and said she supported the testimony which had been given previously by conferees opposing the site.

After further Committee discussion, the meeting adjourned.

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Representative Whiteside called the meeting to order at 9:00a.m. He called upon Emalene Correll of the Legislative Research Department staff to give background material to the Committee on the residual waste management issue discussed on September 14. Mrs. Correll stated that she had contacted officials in Oklahoma, Illinois and New Jersey to determine what the experience had been in these states. She stated that the Oklahoma law required a \$100,000 bond and legislative approval of each hazardous waste disposal site. In Illinois, Jack Moore, of the Division of Environmental Protection Control stated that they have eight to ten sites in operation.

Some have had permits for ten years. The Environmental Protection Agency has only issued permits since 1970. Supplemental permits are issued for monitoring wells, state checks, etc. At the site in Sheffield, Illinois (which is operated under permits from the State Environmental Protection Agency and the State Health Department) there have been no problems. This is a large site. In Illinois there has been opposition to each site and it was necessary to go to court in each case. In all instances, the courts have ruled in favor of issuing the permit and have overridden the local zoning ordinances. Mrs. Correll stated that the Department of Health and Environment believes that, since the applicant at the Furley site is willing to meet conditions placed on the permit, they can require a bond to be posted, etc. The Department feels that if the applicant meets all conditions required by the Department they must issue a permit under the present law.

After Committee discussion it was agreed that it was not a legislative function to approve a specific site but it is the function of the Department of Health and Environment to approve the site. The feasibility of establishing a quasi-public authority, such as the Turnpike Authority, to handle such problems was discussed. It was the consensus of the Committee, however, to use the existing agency to carry out this function. After further Committee discussion, it was agreed to have staff draft proposed legislation, to require bonding, direct penalties, and an approved route to carry material to the site. Staff agreed to check with the Insurance Commissioner's Office on bonding and on insurance provisions for such sites. Staff further agreed to check with the Department of Health and Environment concerning possible fee arrangements.

The issue of holding public hearings before licensing such sites was discussed and the feasibility of making provision for public hearings in the draft legislation. It was noted by staff that this would have to be worded so that industrial plants wishing to renew their licenses would not come under this provision. It was suggested that a fine of up to \$500 a day be charged for each day of violation and that both civil and criminal penalties be provided for in the legislation. This would not be new legislation but would amend existing legislation.

A motion was made that the Department of Health and Environment be requested to deny a permit on the Furley site until the full session of the Legislature convened and had an opportunity to review the recommendations of the Department of Health and Environment. The motion died for lack of a second.

The next conferee was Harold Long, Farmers Home Administration. He presented a statement to the Committee of the activities of the Farmers Home Administration in assisting the development of the rural areas of Kansas (see Attachment V).

Mr. Long gave a brief background of the development of the agency in the field of rural development as part of the United States Department of Agriculture. Farmers Home Administration, as a rural credit agency, has been one of the resources available to assist people, communities and leaders to develop Kansas and assist in the accomplishment of rural development. This effort started over 41 years ago with the Resettlement Administration and other predecessor programs until 1946 when the name was changed to Farmers Home Administration. At that time the primary mission was to aid drought and economic stricken farmers. In 1949, other authorities were added such as Rural Housing and Water Facility loans. Throughout the years additional programs were given to Farmers Home Administration for the benefit of rural people.

Mr. Long then gave a brief summary of the Rural Development Act of 1972. Prior to the Rural Development Act there were three basic loan programs - Farmers Programs, Rural Housing Programs and Community Programs. All of these programs provide supplemental credit in that if credit is unavailable to the loan applicant from commercial lending institutions, the Farmers Home Administration becomes eligible to provide financial assistance for feasible loans to individuals, groups or associations and communities.

Mr. Long then described the major purposes of the Farmers Home Administration's rural credit programs which include:

1. To help build the family farm system, the economic and social base of many rural communities.
2. To expand business and industry, increase income and employment and control or abate pollution.
3. To install water and waste disposal systems and other community facilities that will help rural areas upgrade the quality of living and promote economic development and growth.
4. To provide or improve modest homes in suitable rural environments at prices and on terms that families of low or moderate income can afford.

In addition, Mr. Long described the general rules of eligibility which apply, and the various loans by name and purpose - farmers programs, rural housing programs, community programs and guaranteed business and industrial loan programs. Applications can be made at one of the 38 Farm Home Administration county offices located throughout Kansas. In addition, five district directors supervise these offices and report to the State Director and his staff in Topeka.

Responsibility for initiating, planning and guiding rural development projects rests with local people. Mr. Long then discussed Exhibit A (see Attachment V), which gives the total number of loans or grants and the amount of loans or grants by type of program. Committee discussion followed. In response to questioning, Mr. Long stated that there would be \$70 million available for housing programs for the next fiscal year, \$5.5 million in business and industrial loans, \$40 million for farm programs and \$10 million for community development. He stated that their agency had excellent cooperation with other agencies, etc. Although the Farmers Home Administration has made every effort to inform local communities of their programs, Mr. Long said he was sure there were many people who were still unaware of their programs.

The next conferee was Mr. Leonard Shaffer of the Small Business Administration. Mr. Shaffer gave a brief summary of the background of the Small Business Administration and then gave a summary of the loan statistics for the last five years.

LOAN STATISTICS

<u>Year</u>	<u>No. Loans</u>	<u>Dollars</u>
1971	980	\$ 51,824,100
1972	1,085	67,525,340
1973	1,116	70,610,500
1974	829	57,466,700
1975	887	76,001,500
TOTAL	4,897	\$323,428,140

For August the figures are as follows:

<u>Year</u>	<u>Dollars</u>
1971	\$ 52,882
1972	62,235
1973	63,271
1974	69,321
1975	85,684
5 year average	\$ 66,046

Mr. Shaffer then outlined the various loan programs of the Small Business Administration. He discussed the difference between regular business loans and industrial assistance loans. There are usually three parties involved in the loan programs; the bank, businessman and Small Business Administration. He described the loans which are granted under the Small Business Investment Act Amendments of 1958, which covers loans which are made to local development companies. He stated the four ingredients in the loan program for the S.B.A. involve the local development company, (the eligible borrower), the business man, the banker in the local community or the savings and loan company which is the source of funds, and the S.B.A. which reviews the loan application. Of the approximately 100 loans approved in the community development area only two have caused problems. He stated the community of Neodesha had utilized several of the community development loan programs. He stated they work closely with Community Development Programs to try to spread the word about the SBA services.

In addition to regular business loans, the SBA also has available disaster relief programs for physical damage, product disaster, displaced business, coal mine health and safety, consumer protection, occupational safety and health, strategic arms, base closing, etc. Committee discussion followed.

The next conferee was Professor H.L. Seyler, Department of Geography, Kansas State University. He gave a brief background statement of industrial change in Kansas. He stated that there was a lack of organization for community development programs in most rural communities in Kansas. He suggested that the state develop a series of models of community organization. He thought the state should help plan

and participate in workshops on community development. In these workshops, representatives of communities which have been successful in implementing change could appear. In addition, the industrial community needs information. Professor Seyler said he thought there was a trainable, underemployed labor force in Kansas. He suggested a labor force study could be conducted in order to develop an experimental program to provide training on demand for communities. Most local communities lack resources for research. At the state level this information could be computerized and then distributed to communities. He stated the PRIDE program was an example of a successful program but stated that some communities lack leadership and initiative to implement such programs. He stated the technical resources are available in the state but, especially in the field of industrial development, there is a need for some kind of mechanism through KDED to prepare communities to take advantage of the resources available.

The next conferee was Professor William Honstead, Kansas Industrial Extension Service, Kansas State University. Professor Honstead stated his service was organized in 1965 under the Department of Commerce and was originally known as the Research Foundation. The service is now strictly a function of the College of Engineering. Examples of some of their projects include: a short course on gear design at Coffeyville, flat metal layouts at Hesston, product liability at Manhattan, tractor cabs at Hesston, etc. In addition, their projects have included safety in hospitals, and a conference on the metric system. The present staff of the KIES consists of one person who serves in a half-time capacity.

The staff publishes a newsletter, issues bulletins, and cooperates with other universities in providing information to state agencies, etc. The benefits are primarily economic in that the KIES encourages movement of industry into Kansas. In addition, they encourage keeping ownership of local industry in Kansas. A by-product of the activity of the KIES is that university contacts with industry are strengthened. In addition, industrial scholarships are encouraged and summer jobs are provided for teachers and students. Many states have similar programs including the Center for Industrial Research at Iowa State University.

The next conferees were Professor Vernon Deins and Professor Ray Weisenberger, Department of Regional and Community Planning, School of Architecture, Kansas State University. Professor Deins described the graduate program in planning and the activities of the Center for Regional Planning. He stated the graduate program in planning is a two-year graduate program with an internship program. Students are currently working on a Community Resources Directory and are not in competition with private industry. He said they cooperate with such groups as KDED, the Planning and Research Division of the state, the League of Kansas Municipalities, Regional Planning Agencies, etc.

Professor Weisenberger then described the study which had been done in Oberlin (see Attachment VI). Oberlin is a community with a population of approximately 2,500 and located in Decatur County, which has a population of approximately 5,000. The request to do the study came through the State Planning Department. The Oberlin study was published by the Northern Natural Gas Company and was completed in 1974. Based on the Oberlin experience, guidelines which have been successful were presented in the study. Techniques for undertaking redevelopment programs were discussed and failures were noted. It was stressed that there is a need to relate business area physical redevelopment to long range planning and development activities. The cost of the project, excluding fees to consultants, was approximately \$4,500 which was paid for by the City of Oberlin and the Chamber of Commerce. For future studies, Professor Weisenberger stressed the need to keep guidelines to a minimum and let the local people carry out as much of the project as possible. In addition, he stressed the need to expand support of the community PRIDE program.

Professor Weisenberger also described the short course which is available through the Center for Community Planning Services on the process of community and regional change. The course could be offered at an estimated cost of \$5.00 per participant. This course was previously funded through HEW but could be offered now through cooperation with KDED (see Attachment VII).

The next conferee was Ernie Mosher, Executive Secretary, League of Kansas Municipalities, who discussed the role of cities in the area of rural revitalization. He stated that most of the 625 cities in Kansas were incorporated as an economic venture or as a result of real estate development. He stated it was Thorstein Veblen who directed attention to the economic role of cities. Most communities now consider the job of the city to be that of creating a good public environment necessary to

maintain the quality of life and long term economic development. The trend has been to stress not just the cold, ruthless economic development of the community but the quality of life as well. Many people now want to live in smaller areas like Toganoxie, for example, rather than Kansas City, but these people also want the recreational and other public services available such as swimming pools, tennis courts, libraries, etc. The question is, who is going to pay for such services in these cities.

Mr. Mosher stated that he did not think there would be revitalization or growth for small cities unless such cities have public financial resources. The same principle would be true with respect to urban areas, such as Topeka. The task of revitalization is more complicated than it appears at first glance, because all increases in the quality of life, such as public services, have a price tag. Such programs as PRIDE, for example, have helped energize private action for public improvements.

Mr. Mosher stated that the cities have experienced a great deal of frustration in the past decade. There has been an increasing level of expectation of service, etc., but no economic resources available. It does not follow that small communities cannot grow, but it is well to keep in mind that they were created in a different economic period of time.

In response to questioning, Mr. Mosher stated that the time has gone when such areas could stress industry for the sake of growth, now communities must be concerned with a satisfactory quality of life as well. These two factors are related.

There are many difficult problems to cope with: how to make a choice as to which communities survive and which do not, how to distribute airport aid, the issue of revenue sharing, the level of state assistance to local government, the problem of rural water districts serving non-farm residents, etc. The three major areas of focus are: revitalization of small communities, development of the downtown core area of cities, and development of the fringe area of cities. Also the problem of tax increment financing is involved. The Topeka tax increment financing project will probably be tested in the courts within a year. After discussion, the Committee adjourned for lunch.

The first conferee after lunch was Jack Lacy, Director of Economic Development for Junction City and Geary County. He said that for the last 30 years his interest had been in both the theory and practice of the economic development of rural areas. He stated there is a misunderstanding about the revitalization of rural areas and that in the past many people thought if one stressed economic development, this was sufficient. He said that the overall community development is now being stressed and the attitude of the citizens of the community is important. If one does not have the enthusiasm of the citizen participating in community development, no amount of planning will be successful.

Mr. Lacy stated that the economic development of the state rests in the hands of about 30 growth centers in the state. If the services such as hospitals, recreation facilities, etc., are developed in these areas, the small towns around these growth areas will benefit.

In Junction City, a mini-region has been established as part of the Big Lakes Regional Planning Agency. A market research analyst, Art Johnson and Associates, was hired and up-to-date statistics were obtained on such facilities as schools, hospitals, nursing homes, etc. The communities of Chapman, Enterprise, Dwight, Herington, Wakefield, etc., were included in this survey. Mr. Lacy said the whole community must be considered when talking to industries interested in locating in a specific area. Each community has a different labor force, different services, etc., and will attract different industries. Junction City will attract different industrial development than Manhattan, for example. In order to attract industry, one must prepare the community to answer certain needs and sometimes this involves changing the image of the community. One must consider such items as improving sidewalks, lighting, enlarging hospitals, upgrading the police force, improving schools, and other factors to make the community inviting.

Mr. Lacy said he did not think it was necessary to enact new legislation in order to provide revitalization of communities. The problem is to implement the legislation already on the books, and to help overcome the apathy of cities and counties. For example, legislation is already available for passing mill levies for economic development commissions, tax increment financing and for providing county funding of development projects. One must also consider the federal legislation on environmental controls and such legislation as the Occupation Safety and Health Act of 1970.



In response to questioning, Mr. Lacy stated that the first concern in revitalizing Junction City was for health care, *i.e.*, attracting new doctors to the area, improving hospital facilities, nursing homes, etc. An addition was made to the high school, as well. These items were considered before the downtown redevelopment project was started. Property taxes are the lowest in the state in Junction City. He stated that good industry will not belabor the tax issue. Committee discussion followed.

The next conferee was Leo Molinero, of the American City Corporation, which is a subsidiary of the Rouse Company. He stated that his corporation was currently doing a project for Kansas City, Kansas, but, in addition, had projects underway in other communities, *i.e.*, Boston, Montreal, Santa Monica, Ft. Lauderdale, Philadelphia, Pontiac, Michigan, etc. He stated that he was a former assistant professor of the Extension Division of Kansas State University, Manhattan, and his background was not completely that of a city dweller.

Mr. Molinero stated that one of the projects his company was currently engaged in was building an entire city. The company had purchased 15,000 acres, 200 farms in an area between Baltimore, Maryland, and Washington, D.C., near Howard County and Montgomery County. The corporation owns about 10 percent of Howard County. The area includes 24,000 people and 7,000 households. He said they bought a farm house on U.S. Highway 29 and tried to contact as many people in the area as possible. The area is near Columbia, Maryland. When they talked to individuals, they stressed two things -- choices and goals. They tried to find out what public services, recreational facilities, housing, churches, health facilities, etc., were desired by the citizens before the town was built. In the new community, they have vocational technical schooling available, in addition to regular educational facilities. They have contracted with Johns Hopkins University to establish a Health Maintenance System at a cost of \$63.00 a month for 12,000 families. Many industries left other areas to settle in Columbia because of adverse tax situations in other states, *i.e.*, the inventory tax in Indiana. In addition, an Inter-Faith Development Corporation was established by the churches in the area. All units and individuals are taxed except schools. Mr. Molinero stated that the principles they followed could be applied to other cities, namely get a consensus on goals of the community and what people are willing to pay for. Committee discussion followed.

The next conferee was Oscar Norby, Assistant Director Community Resource Development, Division of Cooperative Extension, Kansas State University, Manhattan. He stated he was appearing on behalf of the Cooperative Extension Service which is organized to provide considerable assistance in carrying out educational programs developed to make progress on cultural, commercial and industrial development in rural areas.

The Cooperative Extension Service has three unique characteristics which determine its usefulness and philosophy and method of operation in community development.

1. Its function is education including encouraging people to adopt proven practices - training people to think and act for themselves.
2. It is part of the knowledge base of the land grant university with research and problem solving capabilities.
3. It is supported by federal, state and county tax funds. In Kansas three-fourths of the county budgets are appropriated by the county commissioners to support the educational program developed by the elected county extension council of each county. Area and state specialists supported from state and federal funds usually provide the leadership for developing and implementing new programs.

Community Development within the Cooperative Extension is conducted by a small staff, four of whom are located in the headquarters office at Kansas State University, Manhattan, and five of whom are Area Extension Specialists, Community Resource Development located in the Area Extension Offices at Colby, Hutchinson, Chanute, Garden City, and Manhattan. Staff members work with local people in the process of arriving at public decisions designed to enhance the social and economic well-being of the community. This involves teaching and assisting people in communities to:

1. Become aware of and more articulate in identifying and defining community needs and problems.
2. Increase their scientific and technical knowledge of community problems through education.
3. Establish priorities for improvement of the community.
4. Identify alternative solutions.
5. Analyze the consequences of implementing each alternative.
6. Select the most feasible alternative.
7. Implement the alternative selected.
8. Evaluate and study the results.
9. Make adjustments and continue the improvement program until accomplished.

Mr. Norby then made suggestions of some things the State of Kansas might consider to encourage cultural, commercial and industrial development in rural areas:

1. Become concerned enough about the housing shortages in Kansas to help people take positive steps toward solution of the problem. The Kansas Housing Forum, the Housing Study Committee working with KDED, the Governor's Task Force on Housing, and many other groups and individuals are attempting to develop a housing program. Of special concern are housing for people with limited resources and rehabilitation of depreciated housing. Programs need to be agreed on and implemented.
2. Provide more opportunities for employment in rural areas. Approximately two-thirds of the new jobs in a community normally come from within so it is most appropriate to encourage that growth. Careful selection and training of Industrial Development teams and assistance with the compilation of needed background information about each community are needed, especially by the smaller communities.
3. Provide greater support to the tremendously underdeveloped opportunities for parks, recreation and tourism in the state.
  - A. Groups of campers, boaters, canoeists, horse back packers, trail bike riders and many others are developing. Some of the groups would like to perfect an organization. They need help with organization, education, literature, etc.
  - B. Communities want more parks and recreation areas for their citizens including swimming pools, tennis courts, golf courses, picnic grounds, etc. Community leaders could often accomplish these things themselves if literature and a consultant were available to provide guidance.
  - C. Commercial recreation and tourism are growing steadily and could be provided a great deal more leadership and encouragement than is currently possible.
4. Business Management Associations, similar to the multi-county Farm Management Association educational program carried out by the Agricultural Economics Department Extension Specialists of Kansas State University, might be useful to small businessmen if resources could be made available.
5. Community development must be accomplished by helping local people implement programs they want in the community through leaders. Training programs to make leaders more able to make use of the development process, social action process and leadership skills would be helpful. Leaders in communities involved in the PRIDE program have access to limited amounts of such training if they request it.

6. Provide more positive leaders in on policies pertaining to land use as this issue continues to experience increasing pressure in developing areas near towns and cities and consume the limited supply of prime agricultural land available for food and fiber production.
7. Devise ways of helping the smaller city and county government officials become more knowledgeable of their responsibilities and how to carry them out. Help such officials streamline and update records and accounting systems.
8. Provide increasing emphasis on the cultural aspects of community recreation programs; the efforts of the Kansas Arts Commission and the many local arts councils; programs of the Kansas Historical Society and the county historical societies; and the efforts by communities to conserve and restore to usefulness sound existing structures as examples of architecture.

The above suggestions could be implemented or expanded if additional resources were available. Committee discussion followed.

The next conferee was Reverend John Stites, who appeared on behalf of the Land Use Coalition of Kansas which includes the following organizations: Kansas Farmers Union, Kansas League Against Nuclear Dangers, Kansas Catholic Conference, Kansas League of Women Voters, Kansas State Grange, Catholic Charities, Salina Diocese, Mid-America Coalition for Energy Alternatives, National Farmers Organization, People Energy Project, Rural Affairs, Archdiocese of Kansas City, Kansas, United Farm Wives, Ottawa Team Ministry, Energy Self-Reliance, Wolfcreed NUC Opposition, and Praxis, Inc.

The Land Use Coalition of Kansas is made up of many farm organizations, rural oriented groups, and others concerned with the deteriorating condition of our rural economy. The group firmly believes that agriculture itself, being the largest single industry in Kansas, needs more study and attention than has been given it in the past.

The Land Use Coalition of Kansas urges the inclusion of the following topics for study:

1. Development of statewide housing authority - rural as well as urban,
2. Statewide land use planning,
3. Statewide energy conservation plan,
4. Equity in inheritance tax laws, and
5. Evaluation of corporate farm law in Kansas with provisions for improvement.

After Committee discussion the meeting was adjourned.

Prepared by Myrta Anderson

Approved by Committee on:

October 12, 1976

Date

Robert E. Pitts, D.D.S., P.A.

6611 EAST CENTRAL  
WICHITA, KANSAS 67206

TELEPHONE 685-5593  
633-3433

September 7, 1976

A LETTER TO OUR CONGRESSMEN OF THE GREAT STATE OF KANSAS:

Dear Sir,

I am writing this letter as a concerned voting citizen of Sedgwick County Kansas. I am concerned about an issue pertaining to the location of a certain industrial waste dump, which will be the first of its kind in the state of Kansas. I am concerned not only because I am a land-owner close to the proposed site, but now that I know more of the facts about this whole case, I am angry and disappointed in our public officials. I am disappointed in especially one man's attitude. This man is the director of our state's department of health and environment. This man said at a public information meeting in Wichita, that "for all I care, they can put this thing in downtown Wichita". When asked if he would want this dump in his back yard, he answered "no!". He also stated in response to a statement that the industrial dump would decrease land values and home values in the immediate area, "well, good, then maybe I can purchase some land at a bargain price".

This man is entrusted to decide for the whole state of Kansas, and for the people's welfare, just what the proper location is for this plant. The decision rests entirely in his hands, unless you, the legislators, give him more rules and common sense restrictions to follow in making the decision. He also said at this meeting that his department had a policy of not allowing any disposal waste site to be placed within  $\frac{1}{4}$

mile of any existing home. But then a lady at the meeting said that her home was indeed within 1/4 mile of the proposed site! This, in my opinion, should end the issue pertaining to this particular site! At this meeting where over 200 people came to protest the proposed location, we called for a show of hands of those in favor of the site, and not a single hand was raised. Then we called for a show of hands of all those opposed, and everyone's hand was shown in opposition. We asked for these hands to be counted, and they were not counted! Is it any wonder that people are loosing respect and trust in our public officials?

This industrial waste dump raises many environmental questions such as air pollution, water pollution, noise pollution, and ground pollution. You gentlemen should be well aware of all the questions raised. But lets look at the main question of location. This site was chosen only on the basis of ground percolation tests and supposed impermeability of the soil. But this basis of selection is not valid and should be made invalid by requiring the use of concrete lining or another impervious material in the trenches and lagoons!!

It just makes common sense to me to put this thing in the least populated area of the whole state, but what did they do but choose the most populated county in the state, and then located it just seven miles as the crow flies from the city limits. Yes, even if this means the industries using it have to pay higher trucking fees to transport their wastes to the area.

Then, I believe the ponds and trenches should be lined with concrete or other materials, and then if we ever have to worry about percolation and leakage, then maybe our whole concept is wrong. Maybe we should consider making it mandatory for these industries to re-cycle these materials and Kansas can become an example for other states to follow!

If we still have to have a location for a dump, we should require that at least 160A be acquired and there should be a free, unpopulated clear right of way zone completely around this site for a radius of at least 3 miles and this land should be bought up by the company or state,

and the company should post at least a 5 million dollar liability bond.

There are several other legislative questions and principles to be considered, and you can look at Oklahoma's example and several other states, and come up with some new inovative ideas of your own. That is your area of expertise. The state is not yet ready to establish a location until the above questions have been debated and studied!! Then if wise principles are not followed, the courts shall have to settle the issue.

Sincerely & trustingly yours,

Robert E. Pitts D.D.S., P.A.

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NAME	ADDRESS
1. <u>Mary Hopkins</u>	<u>Whitewater, Kansas</u>
2. <u>Dean Hopkins</u>	" "
3. <u>Sue Tubbsing</u>	" "
4. <u>Sam Kitzman</u>	" "
5. <u>Leland L. Matter</u>	" "
6. <u>James Marshall</u>	" "
7. <u>Normi Newcom</u>	<u>Whitewater, Kansas</u>
8. <u>Betty Jameson</u>	<u>Benton, Kansas Route #1</u>
9. <u>Paul D. Paul</u>	<u>Whitewater, KS</u>
10. <u>B. J. Long</u>	<u>Whitewater, KS</u>
11. <u>Delbert Paul</u>	" "
12. <u>Rex Newcom</u>	" "
13. <u>Boston Wiens</u>	<u>Whitewater, Kansas</u>
14. <u>Charles D. Eberhard</u>	<u>Whitewater, KS</u>
15. <u>A. D. Newman</u>	<u>Whitewater, Kansas</u>
16. <u>Patricia L. Sironau</u>	<u>Whitewater, Kansas</u>

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NAME	ADDRESS
1. <u>Albert Bronan</u>	<u>Whitewater KS</u>
2. <u>Kenneth C. Lukhasis</u>	<u>" "</u>
3. <u>Kyle Bodecker</u>	<u>Benton, Ks</u>
4. <u>Dan Fagan</u>	<u>Benton, Ks</u>
5. <u>Carl Deapen</u>	<u>Whitewater Ks</u>
6. <u>John H. Kasper</u>	<u>Whitewater Ks</u>
7. <u>Sam Ravenscroft</u>	<u>Whitewater, Ks</u>
8. <u>Jessie M. Adams</u>	<u>Whitewater, Ks.</u>
9. <u>Edwin M. Adams</u>	<u>Whitewater Ks.</u>
10. <u>Jay Ravenscroft</u>	<u>" "</u>
11. <u>W. Stanley Schmidt</u>	<u>Newton Ks</u>
12. <u>Lewis R. Gless</u>	<u>Benton, Kansas</u>
13. <u>J. P. Bentley</u>	<u>Whitewater, Ks</u>
14. <u>Dorothea Cain</u>	<u>Rd 1 Benton Kansas</u>
15. <u>Jacob W. Cornelius</u>	<u>RR 1 Whitewater, Kansas</u>
16. <u>John J. Bronan Jr</u>	<u>Whitewater Ks</u>



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NAME	ADDRESS
1. <u>Richard Ewing</u>	<u>RR#3 Valley Center, Kansas</u>
2. <u>Michelle D. Jones</u>	<u>RR1 Benton, Kansas</u>
3. <u>Jane D. Jones</u>	<u>RR1 Benton, Kansas</u>
4. <u>Maryine Riddle</u>	<u>RR-2 Valley Center, KS</u>
5. <u>Charles A. Riddle</u>	<u>RR-2 Valley Center, Kan.</u>
6. <u>Joan Hale</u>	<u>RR-2 Valley center</u>
7. <u>Richard Hale</u>	<u>RR-2 Valley Center</u>
8. <u>Jerry Hurt</u>	<u>RR2 Valley center</u>
9. <u>Rachael E. Reylaff</u>	<u>RR2 Valley Center, Kansas</u>
10. <u>Alan H. Greenup</u>	<u>RR-2 Valley Center, Kansas</u>
11. <u>Francis L. Greenup</u>	<u>RR-2 Valley Center, Kansas</u>
12. <u>Floyd Greenup</u>	<u>RR2 Valley Center, Kan</u>
13. <u>George J. Jack</u>	<u>RR2 Valley Center, Kansas</u>
14. <u>P. Schoenecker</u>	<u>RR#2 Valley Center, Kansas</u>
15. <u>Connie Bader</u>	<u>RR#1 Valley Center, Ks.</u>
16. <u>Harry Cordwien</u>	<u>Wichita, Kansas R 3</u>

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NAME	ADDRESS
1. <u>John Sudgrass</u>	<u>Route 2, Valley Center, Ks. 67147</u>
2. <u>Herbert Harder</u>	<u>Benton Kans 67017</u>
3. <u>Elden Phaus</u>	<u>Benton Kans 67017</u>
4. <u>D. Jackson</u>	<u>R2 Valley Center, Ks 67147</u>
5. <u>Dwain Maurer</u>	<u>Benton, Mo 67017</u>
6. <u>Patricia</u>	<u>R2 Valley Center 67147</u>
7. <u>John Dies</u>	<u>R2 Valley Center Kans</u>
8. <u>Leo Braun</u>	<u>R2 Valley Center Kans</u>
9. <u>Jugent Ward</u>	<u>RR#2 Valley Center Ks.</u>
10. <u>Lorde Bader</u>	<u>Valley Center Kan</u>
11. <u>Mary Ann Harder</u>	<u>Benton, Kansas</u>
12. <u>John D. Urbik</u>	<u>Valley Center R.R. 2</u>
13. <u>Calvin Babcock</u>	<u>Jawanda Kans</u>
14. <u>Jay E. W. D. D. D.</u>	<u>Benton, Kansas</u>
15. <u>Ralph L. Keebracht</u>	<u>R2 Valley Center Kansas</u>
16. <u>Ray Gale</u>	<u>Valley Center Kan</u>
17. <u>Chas W. Nuff</u>	<u>R5 Newton Kan</u>

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NAME

ADDRESS

- 1. Oliver Pennie RR3 Wichita Kansas
- 2. Lillem Erdurain 1440 North St Francis
- 3. Ella M Erdurain 2407 Sopka Wichita
- 4. Hazel Erdurain R3 Wichita
- 5. Orville Luke R1 Valley Center, Ks
- 6. Clarence Havens R1 Whitewater Kans
- 7. Frank Hill R2 Valley Center
- 8. Ronald F. Hill Box 42 Whitewater, Kan
- 9. Lewis N Chaney Box 199 Whitewater, Kas
- 10. Millicent Clemons Box 89, Route 5, Newton, Kans
- 11. Wilbur Cook Box 27, Whitewater, Ks
- 12. Dean Patterson R.2 Valley Center, Kansas
- 13. \_\_\_\_\_
- 14. \_\_\_\_\_
- 15. \_\_\_\_\_
- 16. \_\_\_\_\_

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NAME	ADDRESS
1. <u>L. E. Ziegler</u>	<u>Rt 3 Box 134 Wichita</u>
2. <u>A. B. Cain</u>	<u>Rt 1 Benton Kans</u>
3. <u>Mrs. Juanita L. Lay</u>	<u>Route 2 Valley Center</u>
4. <u>Mrs. Harold C. Harvey</u>	<u>R.R. 1 Benton Ks</u>
5. <u>Joseph P. Williams</u>	<u>R#1 Benton Kansas 67017</u>
6. <u>Samuel E. Bauer</u>	<u>R. 2, Valley Center, Kansas <sup>67147</sup></u>
7. <u>Albert Bodecker</u>	<u>Benton Kansas</u>
8. <u>H. D. Demery</u>	<u>Box 214 Augusta, Ks.</u>
9. <u>Mr &amp; Mrs Harold E. West</u>	<u>R. R. 2 Valley Center</u>
10. <u>Mr Dale Ellis</u>	<u>R.R. 2 Valley Center</u>
11. <u>R. D. Hill</u>	<u>Augusta, Kan <sup>RR 1</sup></u>
12. <u>T. C. Jackson</u>	<u>R#2 Valley Center Kans</u>
13. <u>H. H. Schwemmer</u>	<u>R 2 Valley Center Kans</u>
14. <u>Mr &amp; Mrs Dale Degraw</u>	<u>Route 2 Box 139 Valley Center Kans</u>
15. <u>Mr &amp; Mrs Jim Jackson</u>	<u>Whitewater Kansas</u>
16. <u>Mr. and Mrs. James Downey</u>	<u>R.R. 2 Valley Center, Kans.</u>
17. <u>Mr &amp; Mrs John A. Stewart</u>	<u>RR 1 Benton, Kans.</u>

18 Mr. & Mrs. Joe N. Kee

19 Lillian L. Milner

20 Mr. & Mrs. Roy L. Brown

21 Mr & Mrs Miles L. Harrod

22 Mr. Richard E. Suckman

23. Philip Suckman

24.

25.

26.

27.

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	NAME	ADDRESS
1.	<i>[Signature]</i>	R43 Wichita Kans
2.	<i>Dennis Hill</i>	R.R. 1 Benton, Kansas
3.	<i>Alejandra Bodecker</i>	Benton, Kans.
4.	<i>Lerna Bodecker</i>	Benton, Kans
5.	<i>Frank Bodecker</i>	Benton Kansas
6.	<i>Margery L. Wohlgemuth</i>	Benton, Ks.
7.	<i>Janet Hopkins</i>	Benton, Ks.
8.	<i>Marilyn Schneider</i>	Benton, Ks.
9.	<i>Quis Hopkins</i>	Benton, Ks.
10.	<i>Lemon Hopkins</i>	Benton Kansas
11.	<i>Francis W. Joseph</i>	Rt 2, Valley Center, Kans.
12.	<i>Blaine Balcher</i>	Benton, Ks.
13.	<i>Earl N. Taylor</i>	Benton, Ks.
14.	<i>Joy M. Taylor</i>	Benton, Ks.
15.	<i>Jean Clark</i>	Valley Center, Ks.
16.	<i>Ernest Clark</i>	Valley Center, Ks.
17.	<i>Joye Beckler</i>	Benton, Kansas 67017

(over)

- 17 Melvin Barfield Benton
- 18 Mrs Duane Sanders Vally Center, Kans.
- 20 Kyle Bodecker Benton, Kans.

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NAME	ADDRESS
1. <u>Richard J Potter</u>	<u>RR 2 Valley Center</u>
2. <u>Mrs. Glenn Berg</u>	<u>R.R. #2 Valley Center, Ks.</u>
3. <u>Mrs. George Ekastain</u>	<u>R. 2 Valley Center</u>
4. <u>Donald Peters</u>	<u>R2 Valley Center</u>
5. <u>Mrs Donald Peters</u>	<u>R2 Valley Center, Ks.</u>
6. <u>Mrs John J. Snodgrass</u>	<u>R.R. #2, Valley Center, Kansas</u>
7. <u>Mrs. Harold E. Lebit</u>	<u>R.R. 2 Valley Center Kansas</u>
8. <u>Jean Anderson</u>	<u>R2 Valley Center</u>
9. <u>Wanda Potter</u>	<u>R2 Valley Center, Furley, Ks.</u>
10. <u>Bette Peters</u>	<u>R2 Valley Center, Furley</u>
11. <u>Abet Helen Brumm</u>	<u>R2 Valley Center Furley Kans</u>
12. <u>Glenn Berg</u>	<u>R2 Valley Center Furley Ks.</u>
13. <u>Hona Park</u>	<u>Rt. 2 Valley Center, Ks</u>
14. <u>Jim J. Patti</u>	<u>Whitewater, Kansas</u>
15. <u>Meriel E. Daves</u>	<u>Furley, Ks. (#2, Valley Center)</u>
16. <u>Ellis Schrueder</u>	<u>Furley Ks. (#2 Valley Center</u>
<u>Mrs Lloyd E Potter</u>	<u>Valley Center, R # 2</u>



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NAME	ADDRESS
1. <u>Fred Parke</u>	<u>208 Sherman Drive <sup>Newton</sup></u>
2. <u>Stella Parke</u>	<u>208 Sherman Dr, <sup>Newton</sup> Ks</u>
3. <u>Mary Potter</u>	<u>Whitewater</u>
4. <u>Glen Turner</u>	<u>R2 VC</u>
5. <u>Della Turner</u>	<u>R2 VC</u>
6. <u>Lorene Covatt</u>	<u>Whitewater</u>
7. <u>Elizabeth Conquest</u>	<u>Newton, Kans.</u>
8. <u>Helen Brunna</u>	<u>Furley</u>
9. <u>Karol Ann Akers</u>	<u>White, Ks.</u>
10. <u>Judi Meyersick</u>	<u>Benton, Ks</u>
11. <u>John W. Meyersick</u>	<u>Benton, Ks</u>
12. <u>Carolyn Hill</u>	<u>Benton, Ks</u>
13. <u>Bob Eibert</u>	<u>Whitewater, Ks.</u>
14. <u>Kathryn Braun</u>	<u>Calley Center, Ks</u>
15. _____	_____
16. _____	_____

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NAME	ADDRESS
1. <u>Harry W. Eibert</u>	<u>RR2 Valley Center, KS</u>
2. <u>Lamayne Eibert</u>	<u>" " "</u>
3. <u>John Roth</u>	<u>" " "</u>
4. <u>Edna Miller</u>	<u>Valley Center R2 Harrod</u>
5. <u>Viola Eibert</u>	<u>" " " "</u>
6. <u>Harry Eibert</u>	<u>" " "</u>
7. <u>Ethel Wiens</u>	<u>" " "</u>
8. <u>Vivian Smith</u>	<u>Rt. 2, Valley Center</u>
9. <u>Gloyd E. Potter</u>	<u>RR#2 Valley Center Kan.</u>
10. <u>George Chastain</u>	<u>" " "</u>
11. <u>Henry Alexander</u>	<u>RR#2 Valley Center</u>
12. <u>Loren Sanford</u>	<u>" " "</u>
13. <u>Zella Breeb</u>	<u>Valley Center R0</u>
14. <u>Dwyllyn R. Protheroe</u>	<u>RR#2, Valley Center</u>
15. <u>Merry K. Protheroe</u>	<u>" " "</u>
16. <u>Betty L. Jones</u>	<u>RR#2 Valley Center</u>
17. <u>James L. Jones</u>	<u>" " " "</u>

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	NAME	ADDRESS
1.	<i>Dorothy Keene</i>	<i>2444 So. Sheldale</i>
2.	<i>Lita Hurst</i>	<i>6611 E. Central</i>
3.	<i>Jolly Brown</i>	<i>6528 E. Vinson</i>
4.	<i>Dorothy Steele</i>	<i>463 Windsor, Wichita</i>
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NAME	ADDRESS
1. <u>Nancy L Benefiel</u>	<u>Rt. 2, Valley Center, Ks</u>
2. <u>William D. Benefiel</u>	<u>Rt. 2, Valley Center, Kansas</u>
3. <u>Raya A. Cave</u>	<u>Rt. #2 Valley Center</u>
4. <u>Mary Ann Manning</u>	<u>Whitewater, Kansas</u>
5. <u>Ida Layd Baird</u>	<u>Rt. 2 Valley Center, Ks</u>
6. <u>Virginia Baird</u>	<u>Rt. 2 Valley Center, Ks</u>
7. <u>Niana Markumie</u>	<u>Whitewater, Kan</u>
8. <u>Dorald Markumie</u>	<u>Whitewater, Kan</u>
9. <u>Naomi Barrett</u>	<u>Wichita Ks.</u>
10. <u>Lillian J Cave</u>	<u>Valley Center Ks Rt 2<sup>#</sup></u>
11. _____	_____
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	NAME	ADDRESS
1.	<i>Gay Beard</i>	<i>22 St Cloud, Wichita, Ks</i>
2.	<i>Alfred Beard</i>	<i>335 St James, Wichita, Ks 67206</i>
3.	<i>Sandra Beham</i>	<i>21 E. Parkway - Wichita, Ks</i>
4.	_____	_____
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NAME	ADDRESS
1. <u>Barbara D. Pitto</u>	<u>1441 N. Rock Rd.</u>
2. <u>Robert E. Pitto D.D.S. PA</u>	<u>"</u>
3. <u>Harlem J. Starn</u>	<u>1441 No. Rock Rd.</u>
4. <u>William L. Byrne</u>	<u>1441 No. Rock Rd.</u>
5. <u>Kip Shillist</u>	<u>1441 No. Rock Rd. #2102</u>
6. <u>Ms. Katherine Jackson</u>	<u>1441 N. Rock Rd - #303</u>
7. <u>L.C. Jackson Jr</u>	<u>1441 N. Rock Rd - #303</u>
8. <u>Mr. J. D. Pottenger</u>	<u>1441 N. Rock Rd - #2203</u>
9. _____	_____
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NAME	ADDRESS
1. <u>Mrs. Bonnie J. Stancher</u>	<u>2816 So. Richmond, Wichita, Ks.</u>
2. <u>Alicia J. Lewis</u>	<u>809 S. Dellrose, Wichita, Ks.</u>
3. <u>Paula J. Howard</u>	<u>1016 South Richmond Wichita, Ks.</u>
4. <u>Antonio L. Oso M.D.</u>	<u>8540 Brook Hollow, Wichita, Ks.</u>
5. <u>Jan. P. McCall</u>	<u>1727 N. Old Manor - Wichita, Ks.</u>
6. <u>Johnnie J. Golden</u>	<u>5113 Countryside, Wichita, Ks.</u>
7. <u>Sharon D. Glenn</u>	<u>2604 E. 27th N.</u>
8. <u>James J. [unclear]</u>	<u>2304 S. Osage</u>
9. <u>Neil [unclear]</u>	<u>590 S. Polo</u>
10. <u>Esther Trammell</u>	<u>217 W 43rd St. N.</u>
11. _____	_____
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NAME	ADDRESS
1. <u>Julius Hamant</u>	<u>Benton, Ks.</u>
2. <u>Kay R. Dwyer</u>	<u>Benton, Ks.</u>
3. <u>Keith E. Titcher</u>	<u>Benton, Kansas</u>
4. <u>Roberta Kautz</u>	<u>Benton, Ks.</u>
5. <u>Joyce A. Jones</u>	<u>Benton, Kansas</u>
6. <u>Donna Black</u>	" "
7. <u>Wilma Phares</u>	" "
8. <u>Harold Witham</u>	" "
9. <u>Clarence Campbell</u>	<u>Benton, Kansas</u>
10. <u>Fred J. Hopkins</u>	<u>425 N. MAIN Benton, Kansas</u>
11. _____	_____
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NAME	ADDRESS
1. <u>Lillie Deenham</u>	<u>9525 E 45<sup>th</sup> St No. Wichita</u>
2. <u>John Deenham</u>	<u>9525 E 45<sup>th</sup> St. No. Wichita</u>
3. <u>Vivian Benson</u>	<u>227 N. Maple Box 52 Greenwich</u>
4. <u>Stanley Benson</u>	<u>227 N. Maple Box 52 Greenwich</u>
5. <u>Rosalie Cannata</u>	<u>Box #3 Greenwich, Ks.</u>
6. <u>Bert Cannata</u>	<u>Box #3 Greenwich, Ks.</u>
7. <u>Margaret H. Love</u>	<u>Box 41 Greenwich, Ks. 67055</u>
8. <u>Louise Hargues</u>	<u>Box 1 - Greenwich, Ks 67055</u>
9. <u>Colston Hargues</u>	<u>Box 1 Greenwich Ks 67055</u>
10. _____	_____
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NAME	ADDRESS
1. <u>Eleanor J. Glass</u>	<u>Benton, Ks.</u>
2. <u>Clinton R. Beebe</u>	<u>125 Ohio, Benton, Kans</u>
3. <u>Paul W. Burden</u>	<u>R. 1 Benton, Ks.</u>
4. <u>Karen Marshall</u>	<u>124 Wichita, Benton, Kan</u>
5. _____	_____
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NAME	ADDRESS
1. <u>Mike Eilert</u>	<u>RR 2 Valley Center, Kan</u>
2. _____	_____
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NAME	ADDRESS
1. <u>Mr. &amp; Mrs. Dwight Hays</u>	<u>Route 2, Valley Center</u>
2. <u>Mr &amp; Mrs. Eugene Thompson</u>	<u>RR 2, Box 114, Valley Center</u>
3. <u>Bruce Beem</u>	<u>RR 7 Box 114 Valley Center</u>
4. <u>Leo J. Baker</u>	<u>RR 2 Box 115 Valley Center</u>
5. <u>Mr &amp; Mrs. Wayne Morrison</u>	<u>R.R. 2 Valley Center, Kas.</u>
6. <u>Betty M. Ziegler</u>	<u>Route 3 - Wichita</u>
7. <u>W. Leo Johnson</u>	<u>64277 Greenwich Rd Wichita</u>
8. <u>Mr &amp; Mrs. Darrel J. Fillmore</u>	<u>6265 N. Greenwich Rd. Wichita</u>
9. <u>Newey L. Jared</u>	<u>6239 N. Greenwich Rd. Wichita</u>
10. <u>John F. Lindal</u>	<u>6516 N. 111 E.</u>
11. <u>Mr &amp; Mrs. Herbert Johnson</u>	<u>6540 N. Greenwich Rd</u>
12. <u>Mr. &amp; Mrs. G.C. Rother</u>	<u>RR. 3 Wichita</u>
13. <u>Charles Youll</u>	<u>6856 N. Greenwich</u>
14. <u>Don L. Parker</u>	<u>6920 N. Greenwich</u>
15. <u>Leo Leon Parker</u>	<u>6920 N. Greenwich</u>
16. <u>Deloris Ewing</u>	<u>Rt 2 Valley Center</u>

Attachment I  
Metzler 9/14

State of Kansas . . . ROBERT F. BENNETT, Governor



DEPARTMENT OF HEALTH AND ENVIRONMENT

DWIGHT F. METZLER, Secretary

Topeka, Kansas 66620



September 14, 1976

RESIDUAL WASTE MANAGEMENT ISSUE ANALYSIS  
PREPARED BY THE BUREAU OF ENVIRONMENTAL SANITATION  
DIVISION OF ENVIRONMENT

## POSITION STATEMENT

### Summary

In the following paper we have attempted to identify several aspects of industrial residual waste management which the Department considers important. These include:

Cradle to Grave Control of Wastes Identified as Hazardous. The term residual waste management means the entire process of storage, collection, transportation processing treatment and disposal of residual wastes. An environmental problem can develop at any point where the system becomes inoperable or is missing. Hazardous waste management is only one part of a total residual waste system. A state can assure itself that hazardous wastes are being managed in an environmentally sound manner only if there is control from the point of generation to the point of ultimate treatment/disposal. Where the state attempts to control only the treatment/disposal sites, it will have no way of knowing the quantities and final disposition of those wastes which never reach proper treatment/disposal sites.

Land Disposal is a Last Resort. Land disposal is only one of a number of options available to managers of hazardous materials. Wastes should be recycled or recovered in house, whenever possible. Other wastes may be useful to people other than the generator, through a waste exchange. Other wastes may yield valuable materials or energy. Other alternatives include incineration, physical, chemical, and biological treatment. All of these options will be considered in minimizing the impact of and disposal of hazardous materials.

State Control. The state of Kansas is committed to a system of state control over Federal or local control of hazardous waste disposal. We feel that the State is close enough to the basic problem of hazardous waste management to be able to best understand unique conditions within the state and best able

to resist pressure from local interests which might overwhelm municipal or county governments.

Involvement of the Private Waste Management Sector. Private enterprise can and will respond to needs for treatment/disposal facilities when the state provides a regulatory program which prevents the use of cheap-and-unacceptable alternatives. The private sector should be given the opportunity to demonstrate their full potential before state ownership and operation of these facilities is considered.

Open Borders. Decisions on whether to allow free movement of wastes across political boundaries should be based on technical rather than political considerations. Treatment/disposal facilities because of their specialized nature will usually require a large service area to be viable. Treatment/disposal facilities must be free to cross political boundaries to reach waste generators who want and need to use their services and who might otherwise have no acceptable alternative for the environmentally sound management of their wastes. States should rely on a sound regulatory program rather than non-importation provisions if they wish to avoid becoming dumping grounds from wastes coming in from other areas of the nation. As Kansas at this time is a net exporter of hazardous wastes any attempt to ban wastes from entering the state is likely to act to the disadvantage of the state.

RESIDUAL WASTE MANAGEMENT ISSUE ANALYSIS  
PREPARED BY THE BUREAU OF ENVIRONMENTAL SANITATION  
DIVISION OF ENVIRONMENT

Introduction

Legislation enacted by state legislatures and the congress has created massive programs designed to conserve, maintain, and enhance the quality of the nation's air and water resources, to make our workplaces safer, and to generally provide for an oversight of the various materials which are in everyday use.

The problem as it appears is that each area of regulation has created its own fiefdom to the exclusion of interest or a concern for other areas of the environment. Or as it has been aptly put, "environmental laws are like walls of an ancient city built in pieces by different people at different times for different purposes," and so there are many gaps including one where overall residual waste management guidelines ought to be.

The Environmental Protection Agency in its instructions to the 208 Planning Agencies has defined residual wastes to include:

"Solid, liquid or sludge substances from man's activities in the urban, agricultural, industrial and mining environment not discharged to water after collection and treatment."

It is noted in Kansas law, residual wastes are called solid wastes. In Kansas implementation of the Kansas Solid Waste Management Act of 1970, K.S.A. 65-3401 - 3417, has required opening of sanitary landfills and the closing of open dumps. Refuse is being stored properly and more efficient collection systems are in operation. The problem appears to be that implementation of the Act and (we believe quite successfully) has been oriented specifically toward the municipal waste mixture.



There is a reason for this. In the past the public has shown justifiable concern over their air, their lakes and rivers, and their open dumps. And our public representatives have reacted to this concern; but in solving these problems, we have added a new dimension to the residual waste problem. Air and water pollution control activities create vast amounts of sludges and fly ash to say nothing of industries' discards. The important thing to remember is that if these materials have been removed from the air and/or the water (often at considerable expense), then its very important to keep them from getting back in by another route.

It has been noted that environmental legislation has been passed and implemented as a reaction to public pressure. The difference is that industrial waste activities are a problem which is out of the public's sight and therefore out of the public's mind. With almost the sole exception of municipally-operated facilities, residual waste management is carried on in concentrated, isolated places - on private property - behind fences. We are certain that most municipal waste disposal officials and health officials are not at all, or only dimly aware of the full scope of the problem. As one of the principal effects or, environmental threat if you will, from improper residual disposal is ground water pollution, which is also out of sight, the public reaction simply has not or will not be felt.

So that it appears in addition to the base load from man's many activities, the gains in cleaning up our air and water have created a massive residual waste problem for which industry has very few management options.

The lack of landfills to dispose of wastes in an environmentally satisfactory manner and the closing of many sites which do not meet environmental standards are placing a much greater burden on existing facilities and forcing industry to consider other alternatives such as operation of their own landfills or incineration.

The Department of Health and Environment has recently completed a survey of selected industries in Kansas. Of course, the obvious use of these surveys is to define and document the problem. Another use is to direct attention to those industries or geographic areas that need attention. The purpose of the surveys is to determine:

1. What types and combinations of hazardous wastes are being generated.
2. How much quantity is being generated within the state.
3. Where is it being generated within the state (is it all being generated from a few places for example).

Once these determinations are made the obvious questions present themselves: Where is it going? Who is collecting it (if it is going off-site), and what is being done with it?

A total of 396 Kansas industries were selected (9.2% of the 4306 firms listed in the 1974-1975 Directory of Kansas Manufacturers and Products); 31 of the 859 (1975) licensed pesticide applicators in Kansas, and 24 of the 165 (1975) licensed hospitals in Kansas. The results of the survey are attached (attachment A).

It would appear that Kansas does have a significant residual waste problem. We believe the Kansas law represents a more than adequate approach for all of the common or standard waste management problems. The difficulty appears to be the approach that is used to classify wastes which may be safely handled through the community refuse collection and those which may require special handling. While a set of nationally accepted definitions would be very helpful, the problem is more complex than that. There are a very difficult set of issues that are raised by the need to address the special waste problem. Some issues are social and economic. Others have their roots in the existing statutes and regulations.

One purpose of this paper is to address the adequacy of existing Kansas law to deal with residual wastes which require special handling.

It would be helpful to attempt to describe the basis for the various control strategies available to state environmental agencies (here the Department of Health and Environment).

Basically, the required authorities may exist either in the form of statute, ordinance or resolution and rules and regulations. A statute is a law which is a legislative enactment of a sovereign state or the United States. An ordinance or resolution is a law and is the legislative enactment of a municipality or a county which is empowered by the state to legislate in specific subject areas.

Rules and regulations are promulgated after notice and hearing by administrative agencies in accordance with guidelines established by an appropriate legislative body. The rules and regulations may cover only the subject matter in the enabling legislation which delegated rule making authority to the agency. As a general rule regulations promulgated by an authorized agency have the same force and effect as a law passed by the legislative body delegating the rule making power to the agency.

If a choice is to be made between new statute or regulation, whenever, the legislature has passed an enactment under which an existing agency of the state is empowered to make the regulation or rule, the regulation or rule is usually preferred. The two reasons for this: (1) A regulation can be revised to reflect new experience much more easily than a statute or an ordinance. (2) Regulations are usually written by persons who have technical expertise in the field.

In the State of Kansas, a variety of control strategies and various authorities are set forth in water quality, air quality, solid waste, and public health acts. In other cases, the required authority may exist because a court found it implicit in another act.

There are several issues that are germane to the hazardous waste program that has been introduced earlier in this paper. These are:

What should be the state role with regard to effective residual waste management? Basically all waste treatment and disposal facilities should be regulated, not just those dedicated to hazardous wastes. Otherwise, there can be no assurance that hazardous waste will reach appropriate treatment and disposal facilities. If open dumping and environmentally unacceptable treatment facilities are allowed, hazardous materials will go to these dumps for simple economic reasons. Hazardous waste management is a local, state, and national problem; therefore, there must be cooperation by all three levels of government. As a general rule control of land use is vested in local government and philosophically we agree. However, citizen reaction to hazardous waste treatment and disposal facilities is a very serious problem which will become more prevalent as more states adopt new hazardous waste management legislation and regulations. These cannot be implemented unless there are sufficient facilities to handle the waste load.

The essential functions of any regulatory agency should include the following:

1. Establish administrative regulations that contain requirements and standards to be met by all residual waste service system operations.
2. Issuing various types of permits.
3. Investigation and monitoring of operational practices to insure compliance.

4. Providing for administrative hearings with offending parties to obtain voluntary compliance.
5. To initiate litigation against the offending parties to terminate offensive activities; obtain compliance with regulations or seek damage against the offending parties.

We believe the present Solid Waste Management Act K.S.A. 65-3401 - 65-3417 provides for all these processes. Specifically Sect. 65-3411 grants very broad powers to the Secretary of Health and Environment to deal in a specific manner with a potential problem. However, it should be pointed out that this section could be strengthened by adding the words "processing, pretreatment, or disposal" as additional subjects for the Secretary's attention.

The major responsibilities in industrial waste disposal would seem to be as follows:

1. The waste generator should adequately label and describe the wastes so that the transporter and disposer are aware of those waste properties which are or may be important to safe transportation and proper disposal. The generator should be held responsible for identifying the disposer and to make some determination that the disposer is competent and has the proper permits for disposal. Regulatory measures should require that wastes be adequately labeled and records of disposition of the wastes be kept.
2. The transporter should be required to transport wastes, which are property labeled and described, in a safe manner. DOT methods for classifying materials are suitable for classifying wastes for transportation.

3. The waste disposer should be required to dispose the wastes in an environmentally sound manner. This can best be handled through a waste disposal permit system. Recordkeeping on the part of the disposer to define the quantity and type of waste disposed should be required. Bonding and insurance to require that a land disposal site is retired in a satisfactory manner is necessary.
4. Arrangements should be made for long-term monitoring and maintenance of disposal areas.

We believe the present regulations can function adequately to provide for these points.

In all probability the number of facilities for handling industrial type waste in Kansas will be limited to no more than two or three such facilities. Solutions to most issues can be written into the requirements of the necessary permit(s).

To specify in great detail provisions for bonding, issuance, liability, siting, personnel would be valid only if the legislature took it upon itself to provide a system of state owned/operated facilities. Otherwise it would appear to be legislative overkill. The problem, of course, being that each of these facilities should be site specific.

It would be inappropriate to close without some discussion about how to denote a residual waste that may be hazardous. There is a very wide diversity of opinion on the way a hazardous waste should be defined.

The difficulty exists because the terms "hazardous substances" and "hazardous materials" and "toxicity" can easily be and frequently are used in an inaccurate manner. The term "hazard" is a function of not only a substance's inherent toxicity but also the quantity and mode of encounter as well; that is, the adjective "hazardous" cannot be used with any degree of

of precision relative to a material substance or waste until or unless some meaningful indication is given of the particular circumstances under which it applies.

Toxicity is the inherent capacity of a substance to do harm. Whereas hazard is the risk that under any particular set of circumstances, harm will occur. Judgments regarding safety of materials must involve knowledge of the material; its inherent capacity to cause harm and the conditions of use which determine to what extent this capacity for harm will be realized. Safety then becomes a pathway between hazards some of which are recognizable and measurable with others unknown and indistinct. There is no escape from all risk,. There are only choices between risks. Safety lies in proceeding on a path between balance and moderation rather than indulgence in extremes. We can avoid being reckless but we cannot avoid risk.

Specifically, the public needs to be made aware that proper disposal techniques are available and they must have confidence that these techniques will be followed. We often have the feeling that the public feels we are burying time bombs which could and probably would destroy our drinking water, wildlife, and people within five years . . . . or perhaps a thousand years. People actively seek "new and better" products. The production of many of these results in the production of more sophisticated or even hazardous waste materials which those same people are unwilling to allow to be disposed in their area. And because they are poorly informed, the opposition often manages to manipulate half truths into "what if?" questions and generate actions through emotionalism rather than facts.

There has always been a high price paid for waste treatment and disposal. The price for improper disposal is paid in human lives, in impaired health, and oftentimes economic disaster. The price for good disposal treatment and recovery is paid for only in money, and under adequate enforcement the cost

is easily absorbed in manufacturing and/or distribution costs. Total system engineering directed toward recovery rather than terminal cost can affect some costs through revenue for secondary materials and conservation of finite virgin materials. Balanced against this view, we believe that hazardous waste regulation should be cost and energy effective. We suspect that hazardous waste control will follow a curve similar to those for air and water; that these may be disposed in a manner safe to humans and the environment at reasonable cost and with reasonable expenditures of energy. Extraordinarily safe disposal, to protect against all conceivable contingencies, will ultimately require money and energy disproportionate to the benefit gained. All costs must be borne by the public in the form of increased prices, taxes, bankruptcies, or inflation. A degree of regulation or law that requires unnecessary or foolish expenditures is not in the public interest.

We think it is very likely the pending federal legislation will preempt much of the decision-making power in the specific area of industrial waste management. At this time there are two comprehensive legislative proposals under consideration by the Congress one S.2150 has passed the Senate and sent to the House. The House is considering it's own measures HR 14496. Each of these measures would mandate a Federally approved hazardous waste program. States would have until April 1, 1979 to develop programs satisfactory to the Environmental Protection Agency. States considering hazardous waste management programs are encouraged to enact them without waiting for a final promulgation of criteria lists and permit requirements. The proposed Federal involvement would not be a general regulatory program of Municipal Waste Management operations. The federal permit program would not control the disposal of hazardous wastes used in households or to extend control over general municipal wastes based on the presence of such substances.

Generally speaking the facilities providing for treatment disposal or



storage of hazardous material must meet minimum requirements on ownership financial responsibility and continuity of operations. In the situation where the best accepted method of handling a hazardous waste is long-term storage assurances must be made that the storage site be maintained over that period.

An additional provision requires control of each quantity, load or unit of hazardous material through the transportation, treatment, storage, or disposal phases of the management system. The proposal is for a manifest system that should result in a coherent management system. In most other respects existing Kansas law would appear to meet the requirements of the proposed Federal Law.

Regardless of pending Federal programs the fact remains that Kansas is a net exporter of hazardous residual wastes (see Attachment A). Legislation recently passed in other states (Oklahoma) may soon ban importation of wastes from Kansas and leave Kansas Industry without disposal alternatives we believe a prohibition of out of state waste disposal is unsound from an engineering point of view and moreover is likely to be declared unconstitutional. The ecosystem which provides mans life sustaining environment knows no geographical or political boundaries. States should approach solving their problems in an evenhanded manner and take advantage of cooperative solutions where ever these exist. In our own state the principal industrial concentration is located in the Kansas City metropolitan area which crosses state boundaries. Also many existing industrial waste treatment facilities have customers located in several states. If such facilities are to be financially self-sustaining they must be able to draw waste from as many waste generators as possible in a logical geographical area. While it is understandable that citizens would prefer to restrict access to local industry we believe hazardous waste facility siting decisions

should be made on economic and technical factors irrespective of political boundaries.

One problem not addressed by current legislative authority is contingency programming for continued site care after the site has stopped receiving wastes.

To avoid the need for reliance on the common law tort remedy which in most jurisdictions would provide for holding the site operators "strictly liable" for damages to others resulting from the presence of the disposal activity on his land; the statute should clearly fix responsibility to assure that proper protective measures are taken to safeguard surrounding properties and water quality after completion of disposal operations.

The basic mechanism for site control, the site permit, would not be effective after site closure. The Department believes that qualifications relating to the continuity of disposal site operations should be established as a condition for issuance of permits to such facilities. The continuity would relate to transforming of site operation from one operator to the next, as well as to final closing. Contingency funding for subsequent monitoring and maintenance must be provided for an indefinite period of time after site closure. Funding may also be needed in the event of major site repair. Provision for the long-term care of waste sites could be secured with a posted bond, a perpetual care fee or a combination of both these mechanisms.

Attachment B is a discussion of the merits and disadvantages of these alternatives. Attachment B is an excerpt from an unpublished E.P.A. staff working paper.

Attachment A

SUMMARY OF HAZARDOUS  
WASTE GENERATION AND  
DISPOSAL PRACTICES IN  
KANSAS DURING 1974

TOTAL KANSAS INDUSTRIES	<u>4306</u>
TOTAL SURVEYED	<u>396</u>
PERCENT SURVEYED	<u>9.2</u>

GEOGRAPHICAL SUMMARY:

DISTRICT OR AREA	INDUSTRIES SURVEYED	TOTAL GENERATION OF HAZARDOUS WASTES			
		GALLONS/YR	PERCENT GALLONS	TONS/YR	PERCENT TONS
Southwest District	25	270,337	5.0	33.0	0.1
South Central District	57	1,135,935	20.8	2,423.1	8.9
Wichita-Sedgwick County	87	672,157*	12.3	12,238.1	45.1
Southeast District	46	1,020,778	18.7	3,352.1	12.3
Northwest District	8	687,873	12.6	90.1	0.3
North Central District	30	422,475	7.8	215.9	0.8
K. C. Metropolitan Area	97	1,064,438	19.5	8,552.7	31.5
Northeast District	46	176,819	3.3	264.4	1.0
KANSAS TOTAL	396	5,450,812	100.0	27,169.4	100.0

\*Does not include 456,661,554 gallons which are disposed in deepwell injection system.

KANSAS TOTALS 1974

GENERATION SUMMARY:

CLASS	SURVEY TOTAL				EXTRAPOLATED TOTAL	
	GALLONS PER YEAR	PERCENT GALLONS	TONS PER YEAR	PERCENT TONS	GALLONS PER YEAR	TONS PER YEAR
Caustics	2,383,107	43.7	376.2	1.5	5,186,276	9,341.2
Acids	782,779	14.4			871,966	
Heavy Metal in Solution	632,939	11.6			1,294,654	
Sludges With Heavy Metal			14,166.9	52.1		48,385.3
Cyanides	800	0.0	2.4	0.0	1,600	15.5
Solvents-Cleaners	151,244	2.8			1,306,481	
Halogenated Organics	1,800	0.0	1,826.0	6.7	1,800	1,826.0
Still and Tank Bottoms	5,200	0.1	331.6	1.2	5,200	475.6
Paint Sludge			1,348.4	5.0		41,919.6
Oil	1,213,554	22.3			12,752,792	
Radioactive Materials						
Pesticides	6,750	0.1	73.6	0.3	6,750	73.6
Explosives						
Pathological Wastes			13.2	0.0		13.2
Asbestos			66.0	0.2		160.0
Miscellaneous	272,639	5.0	8,965.1	33.0	1,304,281	23,963.0
KANSAS TOTAL	5,450,812	100.0	27,169.4	100.0	22,731,800	126,173.0

DISPOSAL SUMMARY:

TECHNIQUE	GALLONS PER YEAR	PERCENT GALLONS	TONS PER YEAR	PERCENT TONS
Sanitary Sewer	493,620	9.1	5.5	0.0
Sanitary Landfill	245,315	4.5	4,309.0	15.9
Kansas Reclaiming Establishment	765,143	14.0	30.2	0.1
Shipped Outside of State	3,123,895	57.3	5,705.4	21.0
Deep Well Disposal				
Incineration	1,500	0.0		
On-Site Lagoon	248,539	4.6	95.0	0.3
Other	572,800	10.5	17,024.3	62.7
KANSAS TOTAL	5,450,812	100.0	27,169.4	100.0

KEY ISSUES

In our experience there are a number of key issues which must be resolved in the development of an industrial waste control program.

ISSUE DEFINITION/CRITERIA	POSSIBLE STRATEGIES OR ALTERNATIVES	EXISTING AUTHORITY	ACTION NEEDED
How should a hazardous waste be defined?	<ol style="list-style-type: none"> <li>1. Develop a decision model to be used to classify wastes.</li> <li>2. Describe in generic terms.</li> <li>3. A listing of compounds believed hazardous.</li> </ol>	K.A.R. 28-29-3 Defines hazardous wastes in generic terms	Division of Environment should update and publish guidelines for determining hazardous wastes. K.S.A. 65-3406 would appear to be adequate to allow for this process.
Who should bear the liability and responsibility for proper management of hazardous wastes?	<ol style="list-style-type: none"> <li>1. Generators of hazardous wastes.</li> <li>2. Haulers of hazardous wastes.</li> <li>3. Treaters and/or disposers of hazardous wastes.</li> <li>4. The Government (state and local) (It's obvious that the problem is not who has ultimate responsibility but how much of the shared responsibility should be assigned to each party.)</li> </ol>	<p>K.A.R. 28-29-9 (A) Makes the generators responsible for issuing treatment/disposal recommendations and making arrangements for safe disposal.</p> <p>K.A.R. 65-3411 Gives the Secretary broad authority to order provision of/or alteration of storage, collection, or processing systems where hazards to health or environment are likely. Requires operator or owner to secure permit for treatment, processing or disposal. Requires approval of engineered facility and operating plan as a condition for issuance of permit.</p>	<p>K.S.A. 65-3411 should be amended to include <u>processing</u>, <u>treatment</u>, and <u>disposal</u> to the Secretary's oversight responsibility.</p> <p>Department should amend its regulations to make the hazardous waste management system more functional from the standpoint of departmental oversight. Department has no developed system for monitoring effectiveness of the regulation. As there is no reporting requirement on any phase of the system except disposal or processing facilities.</p> <p>K.A.R. 28-29-10 (A) (7)</p>

ISSUE  
DEFINITION/CRITERIA

What operational and management requirements need to be assured to treat and dispose of hazardous wastes in an environmentally sound manner?

(Comment)

The necessary safety and security operational controls as well as personnel exposure protection and training requirements for hazardous wastes are analogous to those currently employed for products of a comparable hazard in normal commerce; with the added dimension of the need for long-term secure storage of materials.

POSSIBLE STRATEGIES OR ALTERNATIVES

1. Safety and security are absolutely dependent on proper characterization and identification of hazardous waste. All safety precautions at any stage of the operation including containerization, fire prevention, site security, employee training hinge on a complete knowledge of the wastes being handled.
2. Waste segregation and reduction.
3. Treatment and disposal operations must be under the supervision of well-trained, qualified people.
4. Industry should have a policy of selecting disposal firms carefully (proper environmental concern with the firm, all necessary permits, ground water and air quality protection, restricted public access, "do-it-right" attitude, and technical competence).
5. Necessary provision for site monitoring operation control:
  - a. Preparational surveys made before the facility is in operation to determine the background quality of the environs and possible critical exposure pathways.
  - b. Operational surveys to determine any build-up of contaminants.
  - c. Post accident environmental analysis after an incident to establish the location and levels of contamination and to reduce the consequences of an accident.

Sites need to be monitored and controlled by quality agency personnel who would assist and advise not just regulate.

EXISTING AUTHORITY

K.A.R. 28-29-9 (A)  
Makes producer responsible for issuing treatment and disposal recommendations and making arrangements for safe handling.

The treatment and disposal permit can be written to provide most of the needed safeguards.

ACTION NEEDED

Department should develop guidelines for identifying characteristics of hazardous wastes.

Division of Environment should function as a source of technical assistance for both producers and disposers of hazardous materials. It is absolutely essential that the Department's hazardous waste unit continue to be adequately staffed.

Regulations need to be amended to provide better Department oversight of movement of hazardous materials through each phase of the management system. Certification/licensure of waste haulers or operators should be considered.

ISSUES  
DEFINITION/CRITERIA

POSSIBLE STRATEGIES OR ALTERNATIVES

EXISTING AUTHORITY

ACTION NEEDED

6. Sites should include a fully equipped and staffed analytical laboratory, charged with the safety and day-to-day operation of the facility and answerable in this regard to the regulatory agency.
7. Each party in the waste management cycle should keep such records as to confirm the discharge of his respective responsibilities and to substantiate payment for functions performed. Summaries should provide to the regulatory agency. In the case of on-site treatment by the generator, records of materials treated or stockpiled must be kept. At all facilities, the inventory or stockpile records should be required to control potential concentration of hazard and inherent environmental loading.

ISSUES  
DEFINITION/CRITERIA

POSSIBLE STRATEGIES OR ALTERNATIVES

EXISTING AUTHORITY

ACTION NEEDED

To what extent are existing transportation safety regulations, definitions, and identification/labeling requirements useful and sufficient to govern the transportation of hazardous wastes as well as effective treatment or disposal of those wastes?

1. U.S. D.O.T. requirements are probably adequate to promote transportation safety and to react to emergencies when spilled in transit.
2. However, these would not appear to be adequate for treatment or disposal purposes.
3. System needs to be developed to insure that wastes are directed to appropriate treatment disposal sites.
4. Waste carriers should be required to obtain licenses, permits, or approval from appropriate state agencies.

Existing D.O.T. regulations. No direct authority exercised by Department of Health and Environment but K.S.A. 65-3406 would give authority to establish regulations.

Waste carriers operating as a part of a management system are exempt from K.C.C. regulation.

The states should establish a uniform waste manifest system or trip ticket system. Manifest should show waste generator, hauler, and destination, and also should provide an accurate description of the waste. All parties should retain and/or report records to the regulatory agency.

What administrative remedies are available to the Department of Health and Environment to insure compliance?

1. The permit issuance authority vested in the Department under K.S.A. 65-3407 is the basic and pervasive element of the hazardous waste regulatory program.

Applicant is required as a condition of issuance to agree to comply with all laws, rules and regulations, to maintain certain records, to allow inspection of facility and those records be required to be maintained. Enforcement is made possible by this right of inspection and made economically feasible by procedures for revoking permits. Revocation procedures must meet "due process" requirements.

2. Administrative Order by Secretary of Health - Authority K.S.A. 65-3409 - K.S.A. 65-3411 - K.S.A. 65-3412.

3. Injunction to abate any threat to environment or public health  
(Discussion)

A need often exists to obtain speedy relief from an environmental or public health threat. Some states allow environmental agencies to apply for a temporary restraining order after it has requested abatement of the nuisance pending issuance of an injunction. Because an injunction is a request for equitable relief, the petitioner is usually required to show that the damage is irreparable and he has no adequate remedy at law. Some states allow for waiving the usual requirement for irreparable harm and inadequateness remedy and allows the issuance of a summary temporary restraining order which functions as an injunction.

4. Authority vested in Air Quality Act K.S.A. 65-3001 - 3020 and Water Quality Act K.S.A. 65-171 et seq

Legislature should consider writing criminal and civil penalties into the Solid Waste Management Act

The disadvantage is that the order process could take several months to resolve.

The legislature should study this possibility in regard to air, water, and solid waste laws to allow agencies to react more quickly to emergency situations.



ISSUES  
DEFINITION/CRITERIA

How can the long-term cure of hazardous waste sites be assured?

(Discussion)

There is a distinct lack of information regarding long-term site integrity and waste degradation. In order to build a record of experience it's evident that long-term monitoring and maintenance of the site after closure will be necessary. The permit which would be quite effective during active site use would not be functional as a control after site closure.

POSSIBLE STRATEGIES OR ALTERNATIVES

1. The assimilative capacity of a waste site should be determined by survey and monitoring during operation. Wastes deposited at the site should not exceed its assimilative capacity.
2. Financial surety by performance bond, surety bond, perpetual care fee, mutual trust, waste site covenant to assure funds for all on-site wastes.
3. Records should be kept for each disposal site that indicate the location and type of waste buried there. Information recorded in the deed would alert future owners to inherent hazardous wastes.
4. Responsibility for continued care would have to be transferred with ownership. The difficulty would be the capability to guarantee site maintenance and financial security in order to guarantee maintenance.
5. Transfer of ownership to governmental unit.

EXISTING AUTHORITY

K.A.R. 28-29-10. (B) (2) (C)  
Requires deed recording of landfill use map.

K.A.R. 28-29-7  
Requires departmental approval of disposal sites.

K.A.R. 28-29-6  
Requires departmental approval of site closure method.

K.A.R. 28-29-7  
Requires departmental approval to excavate or disrupt active or closed landfill.

ACTION NEEDED

Legislature needs to make a thorough study of whole question of long-term site care. The existing authority does not provide for long-term care or monitoring of sites.

Article \_\_\_\_ . --HAZARDOUS WASTES

Cross References to Related Sections:

Solid Waste, See 65-3401 et seq.

65-\_\_01. STATEMENT OF POLICY. It is hereby declared that significant quantities of hazardous wastes are being generated in the state and that present legislation on solid waste disposal as stated in K.S.A. 65-3401 et seq., as amended, is without specific and adequate safeguards from the point of generation, through handling, processing and final disposition of hazardous wastes which can threaten human or animal health and the environment. The legislature finds that more stringent requirements are necessary for the safe disposal of hazardous wastes, than are set forth in K.S.A. 65-3401 et seq. For these reasons, it is the policy of the state to:

(a) Establish a cooperative state and local program for the comprehensive management of hazardous waste.

(b) Require special permits for the operation of hazardous waste processing and disposal systems.

65-\_\_02. DEFINITIONS. The following words and phrases when used in this act shall have the meanings respectively ascribed to them in this section.

(a) "Department" means the Kansas State Department of Health.

(b) "Disposal" means the ultimate introduction of hazardous wastes into the environment.

(c) "Disposal Site" means the location where any ultimate disposal of hazardous waste occurs.

(d) "Handling" means the storage, transport or transfer of hazardous waste from one place to another.

(e) "Hazardous Waste" means any discarded solid, liquid, semi-solid, contained gas, or combination thereof which is determined by the Secretary because of its quantity, concentration, or chemical characteristics to pose a substantial present or potential danger to human health or the environment because such waste is bioconcentrative, flammable, reactive, toxic, irritating, corrosive or infectious.

(f) "Hazardous Waste Processing Facility" means a plant or site where hazardous wastes are subjected to hazardous waste processing operations.

(g) "Manifest" means the department form used for identifying hazardous wastes during handling, processing and disposal.

(h) "Person" means an individual, firm, association, co-partnership, corporation, institution, political subdivision or state agency.

(i) "Waters of the state" means all streams and springs, and all bodies of surface or ground water, whether natural or artificial within the boundaries of the state.

(j) "Secretary" means the Secretary of Health and Environment.

65-\_\_03. POWERS OF THE SECRETARY OF HEALTH AND ENVIRONMENT. The Secretary shall within twelve (12) months of the enactment of this act adopt a set of rules, regulations, standards and procedures as the Secretary deems necessary for the implementation of this act. Said regulations shall be consistent with the prohibitions specifically set forth herein and no permit for the construction or operation of a hazardous waste disposal site shall be issued by the Secretary until such regulations are established.

65-\_\_04. PERMIT RESTRICTIONS. Notwithstanding any other provision of law, or any rule or regulation of any state agency or department, no permit shall be issued by the State Department of Health and Environment for the establishment, construction, operation or maintenance of any facility intended wholly or partially for the disposal of hazardous wastes as defined herein, within the boundaries of any city or town or within a distance of fifteen (15) miles of the boundaries of any city or town with a population of 100,000 or more, or within a distance of five (5) miles of the boundaries of any incorporated or unincorporated city or town, or within five (5) miles of the public water supply of any city, town or water district, whether such water supply is contained in reservoirs or wells. For the purpose of this act such boundaries and locations shall be those in existence at the time the application for such permit is filed. Provided, that such permit may be issued by the Secretary upon the approval, by resolution or ordinance, of the governing body of each city or town affected, or by approval by a majority of the inhabitants of an unincorporated community. Once said consent is granted, it may not be revoked unless reasonable cause is shown.

65- 05. BOND REQUIREMENTS. No permit shall be issued for a hazardous waste disposal site to any applicant other than a state agency or political subdivision, unless the applicant or recipient of the permit has on file with the Department of Health and Environment a current corporate surety bond in the amount of One Hundred Thousand Dollars (\$100,000.00) guaranteeing that the permittee has the resources to properly close the site, in accord with the rules and regulations set forth by the Department of Health and Environment, and a separate corporate surety bond in the sum of Five Hundred Thousand Dollars (\$500,000.00) guaranteeing that the permittee has the resources to answer for damages to any person, property or animals due to the violation of any standard or regulation established for the location and operation of a hazardous waste disposal site or due to the escape of hazardous materials from said site causing damage to persons, property or animals. Said permittee shall be deemed strictly liable for damage due to the escape of hazardous wastes from said disposal site. Liability insurance in the same denomination may be substituted for the bond requirement with reference to damage to persons or property upon certification by the insurance carrier to the Secretary that said coverage complies with the strict liability of the permittee, established herein. Any such insurance carrier shall provide the Secretary with at least sixty (60) days written notice prior to the cancellation of said coverage for any reason and the permit to operate said site shall be revoked and operations cease on the terminal date of insurance coverage unless the permittee prior thereto provides to the Secretary, certification of renewal or other insurance coverage as provided for herein.

65- 06. PERMITEE MUST HAVE TITLE TO DISPOSAL SITE. Any permittee hereunder other than an agency of the state or political subdivision, must provide evidence to the Secretary that the fee title to the disposal site is in the name of the permittee and upon commencement of operation of said facility, the permittee must file evidence with the Secretary that the abstract of title to said property has been brought forward and shows in clear terms that said location is being used for the deposit of hazardous wastes and materials.

65- 07. ZONING APPROVAL. Prior to the issuance of a permit to any permittee other than an agency of the state or political subdivision, a certificate of zoning approval for the intended use shall be filed with the Secretary, signed by the County Commissioners of the county in which said disposal site is located or the designated agent of said county commission.

65- 08. OPERATION OF A HAZARDOUS WASTE PROCESSING FACILITY OR DISPOSAL SITE WITHOUT SPECIAL PERMIT PROVIDED FOR HEREIN UNLAWFUL; PERMITS; FEES; DENIAL, SUSPENSION OR REVOCATION OF PERMITS.

(a) After the effective date of this act, in all counties of the state, it shall be unlawful for any person to construct or operate a hazardous waste disposal site or processing facility without first obtaining a permit for construction of and a permit for the operation of said facility from the Secretary.

(b) Every person desiring to obtain a permit to operate a hazardous waste processing or disposal site or area shall make application for such a permit on forms provided for this purpose by the Secretary and shall provide the Secretary with such information as necessary to show that the facility or service will comply with the purpose of this act. Upon receipt of an application and payment of the fee as set by the Secretary, the Secretary, with advice and counsel from local health authorities and the County Commissioners of the county in which the site shall be located, shall make an investigation of the facility and site and determine whether it complies with the provisions of this act and any rules, regulations and standards adopted thereunder.

(c) The fee for said permit shall be an annual fee and no refunds shall be made in case of revocation. All fees shall be deposited in the general fund in the state treasury. State agencies and political subdivisions of the state shall be exempt from the payment of the fee, but shall meet all operational provisions of the act except as otherwise exempted herein.

(d) Plans, designs and relevant data for the construction of a hazardous waste processing facility and/or disposal site shall be prepared by a licensed professional engineer licensed to practice in Kansas and shall be submitted to the Secretary for approval prior to the construction, alteration or operation of such facility or area.

(e) Permits granted by the Secretary as provided in this act shall be revocable or subject to suspension whenever the Secretary shall determine that the facility or site has been constructed or operated in violation of this act or the rules, regulations or standards adopted pursuant to the act, or is creating a hazard to persons or property in the area or the environment.

65- 09. TOWNSHIP ROADS. Any permittee hereunder shall be subject to payment of reasonable additional costs to the maintenance and repair of township roads caused by the operation of said site or facility and shall operate within the weight restrictions as imposed by the appropriate township road authority or the County Commissioners in the county where said site or facility is located.

65- 10. LOCAL GOVERNING AUTHORITY RULES AND REGULATIONS. Notwithstanding any provision of this act, the Board of County Commissioners in any county where such hazardous waste disposal site or processing facility is located, may under the home rule powers granted by this state, provide by resolution, additional permit requirements and rules and regulations governing said site or facility, more, but not less restrictive than the provisions of this act and the rules and regulations of the Secretary.

65- 11. DUTIES AND FUNCTIONS OF THE SECRETARY; RULES AND REGULATIONS. The Secretary is authorized and directed to:

(a) Adopt such rules, regulations, standards and procedures relative to hazardous waste management as shall be necessary to protect the public health, prevent public and private nuisances, and enable the Secretary to carry out the purpose and provisions of this act.

(b) Report to the legislature on further assistance needed to administer the hazardous waste management program.

(c) Administer the hazardous waste management program pursuant to the provisions of this act.

(d) Authorize issuance of such permits and orders and conduct such inspections as may be necessary to implement the provisions of this act and the rules, regulations and standards adopted pursuant to this act.

(e) Take all appropriate measures to monitor the operation of a hazardous waste disposal site to safeguard against failure to comply with the rules and regulations established and to suspend operation of said disposal site as safety to persons, property or the environment may require.

(f) To develop a manifest which must be completed by the generator and transporter of hazardous wastes and provide it to the permittee, before said wastes can be received at the disposal site. To provide rules and regulations requiring the proper description of any hazardous waste in said manifest and providing for the maintenance of records of all hazardous wastes processed and/or disposed of.

(g) To determine and certify the types of hazardous wastes and materials allowable for disposal at any permitted location and to provide by regulation that no other hazardous substances may be deposited.

65- 12. UNLAWFUL ACTS. It shall be unlawful for any person, city, county, political subdivision or state agency to:

(a) Dump or deposit or permit the dumping or depositing of any hazardous waste as defined herein onto the surface of the ground or into the waters of the state or into the ground, without having obtained a permit as required herein. Provided, that this provision shall not prohibit the disposal of hazardous wastes at the site of production or generation when such wastes do not create a public nuisance or adversely affect the public health.

(b) Construct, alter or operate a hazardous waste disposal site or processing facility without a permit from the Secretary or in violation of the rules, regulations, standards or orders of the Secretary.

(c) Store, collect, transport, process or dispose of hazardous wastes contrary to the rules, regulations, standards or orders of the Secretary or in such a manner as to create a public nuisance.

(d) Refuse or hinder entry and inspection by an agent or employee of the Secretary after such agent or employee identifies himself and gives notice of his purpose.

65- 13. ENFORCEMENT BY DISTRICT OR COUNTY ATTORNEY. The District or County Attorney of every county is hereby authorized and directed to file appropriate actions for enforcement of this act upon the request of the Secretary.

65- 14. SEVERABILITY. The provisions of this act are severable and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity shall not affect or impair the remaining provisions of the act.

A Statement On Behalf Of The Palmyra Baptist Church Opposing The Proposal To Locate An Industrial Waste Dump In Lincoln Township Of Sedgewick County, Kansas

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Whereas the location of an industrial waste dump as proposed in Lincoln Township of Sedgewick County would place it but a scant three miles as the wind blows from the meeting place of the congregation of the Palmyra Baptist Church, we the congregation of that church, do strongly urge this committee to introduce at this session of the legislature whatever laws or amendments to existing laws as may be necessary to prevent the establishment of the dump at the site presently proposed. We offer the following reasons for our most urgent request:

1. The dumping of industrial wastes which include chemicals into open lagoons would inevitably precipitate strong and noxious odors into the air. It is our belief that such odors would severely handicap the ministry of our church to its community at its present location.

2. As an institution of society, whatever rights accrue to the senior in contention here, they accrue to us. We have been located in the same place for over one hundred years. We were here first and no intruder should be allowed to interfere with the free exercise of our religion.

3. The operators of the proposed dump are incorporated with a capitalization of only \$10,000.00. If we were forced to move, we could not duplicate our present facilities for over ten times that amount. Last year, 1975, expenditures for our church in its ministry on local, regional, state, national and inter-national levels exceeded over three times the proposed capitalization. Where would we go to find reasonable recompense if we are forced to close our ministry at our present location?

4. Up to now we have voiced concerns that are admittedly in our self interest; but the Christian Church has traditionally spoken out for the rights of those with little or no power. The proposed site of this dump adjoins land that is the home of a widow in our congregation. She has courageously reared her family there after the death of her husband. Does not she have rights that take pre-eminence over mere money-making?

5. Finally, as Baptists have traditionally believed, we still believe in the maximum of personal liberty for the individual, as long as the free exercise of that liberty does not intrude upon the rights of others. In company with most Americans, we believe that, "that government is best which governs least." We believe that good government where possible decides any issue on the basis of what is best for all. Where that ideal cannot be realized, it decides in the best interest of the majority of those affected by the issue. The membership of our church exceeds two hundred people; ninety percent of whom live within ten miles of the proposed dump site. We respectfully submit that it is in the best interests of the majority affected to deny a license for a dump at the presently proposed location.



Mr. Chairman:

It is a privilege to have the opportunity to appear before this committee to discuss the activities of Farmers Home Administration in assisting the development of the Rural areas of Kansas and Rural America and to provide information about the extent of the economic impact the agency has provided.

Since its inception as an agency of the United States Department of Agriculture, Farmers Home Administration has been active in Rural development as have other local, state and federal agencies. Urban development had received most of the attention and contributed to the migration of rural people to the urban centers which stripped many communities of economic vitality and the capacity to produce and support needed social, cultural, educational and recreational facilities and services. It is encouraging to note that in early 1976, the outmigration from rural areas to cities and metropolitan areas has been reversed and rural America is growing. The farm population itself appears to be holding steady at about 9.5 million.

Farmers Home Administration as a rural credit agency has been one of the resources available to assist people, communities, and lenders develop Kansas and assist the accomplishment of rural development. This effort started over 41 years ago with the Resettlement Administration and other predecessor programs until 1946 when the name

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Remarks by Harold E. Long, Farmers Home Administration for the  
Kansas Select Committee on Rural Revitalization  
September 15, 1976

was changed to Farmers Home Administration. At that time, the primary mission was to aid drought and economic stricken farmers. In 1949, other authorities were added such as Rural Housing, Water Facility loans. Throughout the years additional programs were given to FmHA to Administer for the benefit of rural people.

In 1972, Congress enacted & the President signed a bill known as the Rural Development Act of 1972. Farmers Home Administration was given a lead role in implementing this act. Prior to the Rural Development act there were three basic loan programs, i.e. Farmer Programs, Rural Housing Programs, and Community Programs. All of these programs provide supplemental credit in that if credit is unavailable to the loan applicant from Commercial lending institutions, then FmHA becomes eligible to provide financial assistance for feasible loans to individuals, groups or associations and communities.

If you will permit me, a short discussion of the Rural Development Act of 1972 might be useful. I need to point out that not all of the programs listed are funded which causes some to be inoperative at the present time.

Title I of the Rural Development Act-- Ammendments to the Consolidated Farmers Home Administration Act of 1961 gives responsibility for the agency to continue these improved on going programs and to administer new loan authorities such as a guarantee for loans made by Commercial lenders for farming, for housing, and for rural business and industries; essential community facilities, improve rural industrial sites, youth loans, and raised the loan limits on farm operating and farm ownership loans.

Title II of the Act--Amendments to the Watershed Protection and Flood Prevention Act, as amended is administered by the Soil Conservation Service. It provides for long term agreements on conservation projects and authorizes federal cost sharing for them. Water quality management and water storage projects with cost sharing are also authorized.

Title III Amendments to the Bankhead-Jones Farm Tenant Act, as amended provides Federal Assistance for water storage for future demands. This is also a soil conservation service authority.

Title IV Rural Community Fire Protection. This portion provides for wildfire protection assistance. Matching funds are to be provided by cooperative agreements with state officials.

Title V Rural Development and Small Farm Research & Education. This is a cooperative program between Federal Funds and State Colleges and Universities who will perform the research and educational activities. This title also provides for State Rural Development advisory Council to review and approve annual program plans conducted under this title.

Title VI Miscellaneous. Section 601. Location of Government offices in Rural Areas. Section 602, Desertland Entryman. Section 603, Coordination of Rural Development Services - Accomplished through the establishment of a USDA-Rural Development Service. It also provided for USDA Service Centers, which are one stop services for rural people by locating county offices of FmHA, SCS, ASCS, FCIC in one place. Kansas is making excellent progress in this area. Sections 605, 606 refer to Rural Environmental Protection.

Through prior authorities and the Rural Development Act of 1972, the Farmers Home Administration channels credit to farmers, rural residents, and communities. It helps borrowers gain maximum benefit from loans through counseling and technical assistance.

Farmers and rural people have several credit programs they can call upon through FmHA to help purchase or operate farms, provide new employment and business opportunities, enhance environment, acquire homes, and upgrade the standard of living for all who wish to live in small towns or open country.

Agency personnel are active on State and county committees involved with the improvement or development of local areas. They have learned the need for local ideas and initiative, for leadership from private individuals and local officials.

Some loan programs are for individuals and their families while some involve associations of people. Other loans are made to partnerships, corporation or public bodies. FmHA employees work in concert with all types of borrowers as well as with State and local officials, planning groups, and Government agencies.

The agency's loan authorities provide a supplemental source of credit, augmenting the efforts of the private lenders rather than competing with them. Most FmHA programs require that a borrower "graduate" to commercial credit when able to do so. The nature of the agency's operation makes it possible for Farmers Home Administration to increase the supply of rural credit by drawing money from the major finance center.

Major purposes of FmHA's rural credit programs include:

1. To help build the family farm system, the economic and social base of many rural communities.

2. To expand business and industry, increase income and employment, and control or abate pollution.

3. To install water and waste disposal systems and other community facilities that will help rural areas upgrade the quality of living and promote economic development and growth.

4. To provide or improve modest homes in suitable rural environments at prices and on terms that families of low or moderate income can afford.

All applications are considered regardless of sex, race, color, creed, or national origin of the applicant. For individual loans, applications from eligible veterans have preference for processing.

The general rules of eligibility also apply:

**FARMER CREDIT:** Borrower must be a family size operator, living on and operating his farm, at least on a part-time farming basis.

**HOUSING CREDIT:** Families of low or moderate income may obtain loans to buy, build, or repair homes for their own use, or rental units may be built for occupancy by persons 62 years of age or older, or for low or moderate income families. Housing is for open country or towns that are rural in character with population of not more than 10,000 and recently selected cities up to 20,000 population are now eligible.

**COMUNITY CREDIT:** Rural towns of 10,000 population or less and rural areas may borrow to improve or develop community facilities, including waste and water systems.

**BUSINESS AND INDUSTRIAL CREDIT:** Loans to promote development of business and industry, or for small business enterprises, may be made for projects in

cities and towns below 50,000 population, but not in larger cities or in areas adjacent to them where population density is more than 100 persons per square mile. Preference is given to applications for projects in open country, rural communities, and towns of 25,000 and smaller.

To briefly outline the various loans I will list them by name and purpose and if you have questions later, I will be pleased to add the details:

#### FARMER PROGRAMS

##### FARM OWNERSHIP LOANS

Purpose: To buy land; refinance debts; construct, repair or improve buildings; improve farmland; develop water facilities; and establish farm-based business enterprises to supplement farming income.

For: Qualified persons who will operate not larger than family farms and who will get a substantial share of their income from farming.

##### FARM OPERATING LOANS

Purpose: To buy livestock, equipment, feed, seed, fertilizer, birds or supplies for farm, and home operations; refinance debts or pay interest on them; assist with payments on equipment; make minor real estate improvements; improve forest lands; establish nonfarm enterprises to supplement farm income.

For: Eligible operators of not larger than family farms.

##### FARM EMERGENCY LOANS

Purpose: To cover losses from natural disaster that are not otherwise compensated so farmers may continue operations with credit from other sources.

For: Eligible farmers, ranchers, and oyster planters.

##### IRRIGATION AND DRAINAGE LOANS

Purpose: To develop community irrigation, drainage, and other soil and water conservation and use facilities.

For: Public agencies or nonprofit corporations.

YOUTH LOANS

Purpose: To establish and operate income-producing projects that will provide practical business experience.

For: Rural youths enrolled in an organized and supervised program.

INDIAN LAND ACQUISITION LOANS

Purpose: To permit Indian tribes to buy land within their reservations.

For: Qualified tribes or tribal corporations.

GRAZING ASSOCIATIONS LOANS

Purpose: To acquire and develop grazing land for livestock of association members.

For: Nonprofit corporations owned, operated, and managed by neighboring members who are family farmers or ranchers.

SOIL AND WATER CONSERVATION LOANS

Purpose: To finance land and water development measures, forestation, drainage of farm land, irrigation, pasture improvement and related land and water use adjustments.

For: An eligible owner, tenant, lease-holder, partnership, or corporation.

## RURAL HOUSING PROGRAMS

### INDIVIDUAL HOMEOWNERSHIP LOANS

Purpose: To buy, build, improve, or relocate homes; to buy building sites; to refinance certain housing debts.

For: Low to moderate income families who will occupy homes in rural areas. Individuals, partnerships, or corporations that build or improve houses may receive conditional commitments to encourage quantity building.

### REPAIR AND REHABILITATION HOUSING LOANS

Purpose: To make repairs to remove health and safety hazards.

For: Very low income owner-occupants who have repayment capability for loans of this size.

### RENTAL HOUSING LOANS

Purpose: To build, buy, improve, or repair rental houses or apartments for occupancy by low to moderate income families and persons age 62 or older.

For: Corporations, public agencies, individuals, and partnerships.

### HOMESITE DEVELOPMENT LOANS

Purpose: To buy and develop building sites for sale to low and moderate income families.

For: Public agencies or non profit corporations.

## COMMUNITY PROGRAMS

### COMMUNITY FACILITY LOANS

Purpose: To construct community water and waste disposal and solid waste disposal systems, community centers, fire stations, health care and other community facilities.

For: Public agencies or nonprofit corporations.

### RESOURCE CONSERVATION AND DEVELOPMENT LOANS

Purpose: To conserve and develop natural resources in areas designated by the Soil Conservation Service. Loans must be for community benefit and contribute



to the economic improvement of the area.

For: Public agencies or nonprofit corporations.

#### WATERSHED LOANS

Purpose: To pay applicant's share of projects to protect and develop land and water resources in small watersheds. Flood control dams, reservoirs, irrigation canals, and easements are examples.

For: Agencies authorized under State law.

#### GRANTS TO HELP DEVELOP PRIVATE BUSINESS ENTERPRISE

Purpose: To finance industrial sites that will result in development of private business enterprise.

For: Public bodies.

#### GUARANTEED BUSINESS AND INDUSTRIAL LOAN PROGRAM

#### BUSINESS AND INDUSTRIAL LOANS

Purpose: To develop or finance business or industry, increase income and employment, and control or abate pollution.

For: Legal entities, including individuals, public and private organizations and federally recognized Indian tribal groups in open country or towns of up to 50,000 people. Grants may be available to public bodies.

Applications are made at one of the 38 FmHA county offices located throughout Kansas. In addition five district directors supervise these offices and report to the State Director and his staff in Topeka. The State Director reports directly to the Administrator in Washington. This is an efficient delivery system for programs.

Responsibility for initiating, planning and guiding rural development projects rests with local people. Since they are the recipients of the

benefits of improvement programs, local people also have the responsibility to repay loans and bond issues. Care must be exercised to see that repayment abilities are not exceeded and that the works of improvement are essential.

Frequently, community leaders are surprised to learn after trying to locate financial assistance from others that FmHA has a lending program to assist needed improvement. With the four major loan types, a community has a package of loans to provide housing and community facilities with financial assistance to maintain a viable agricultural economy and business and industrial loans for employment opportunities.

Exhibit A, indicates that last two fiscal years loan and grant volume produced by FmHA with the total outstanding investment utilized by borrowers. In cooperation with Kansas State Government an additional 1 MM has been made available annually to Rural Water Districts.

By working together-federally-state-and locally, rural development can be accomplished for the enjoyment of the good life for all rural Kansans.

CONGRESSIONAL SUMMARY OF FARMERS HOME ADMINISTRATION PROGRAMS -- STATE OF KANSAS

	1975 FISCAL YEAR		1976 FISCAL YEAR TO 06/30/76		UNPAID PRINCIPAL AS OF 07/16/76	
	NUMBER LOANS OR GRANTS	AMOUNT (000)	NUMBER LOANS OR GRANTS	AMOUNT (000)	NUMBER LOANS	AMOUNT (000)
<b>FARMERS PROGRAM</b>						
FARM OPERATING	973	10,406	953	10,980	3,435	27,051
FARM OPERATING (GUAR)	71	1,857	46	1,205		
FARM OWNERSHIP	406	14,148	449	16,284	4,696	106,931
FARM OWNERSHIP (GUAR)	1	42	1	78		
RECREATION AND NON-FARM RECREATION (GUAR)	2	32	4	119	47	1,012
GRAZING	1	32			31	3,455
SOIL AND WATER	6	172	58	1,421	97	1,584
SOIL AND WATER (GUAR)						
IRRIGATION AND DRAINAGE						
EMERGENCY LOANS	905	14,293	173	4,438	1,029	15,062
EMERGENCY (GUAR)	759	15,049	130	2,813		
EM (SPECIAL LIVESTOCK-GUAR)	228	30,098	150	22,620		
ECONOMIC OPPORTUNITY					87	78
INDIAN LAND ACQUISITION						
TOTAL	3,352	86,129	1,964	59,958	9,422	155,233
<b>HOUSING PROGRAM</b>						
IND HOME LOANS (502-504)	1,788	27,219	2,377	41,894	9,696	118,141
RENTAL AND COOP LOANS	16	3,515	9	1,023	68	6,563
LABOR HOUSING LOANS			1	27	1	24
LABOR HOUSING GRANTS						
HOMESITE DEVELOPMENT LOANS						
SELF-HELP TECH ASSIST						
TOTAL	1,804	30,734	2,387	42,944	9,765	124,728
<b>COMMUNITY SERVICES PROGRAM</b>						
WATER SYSTEM LOANS *	30	9,912	22	6,301	325	42,797
WATER SYSTEM GRANTS *	18	4,261	9	2,391		
WASTE SYSTEM LOANS *					7	784
WASTE SYSTEM GRANTS *						
WATER-WASTE COMB LOANS *						
WATER-WASTE COMB GRANTS *						
COMMUNITY FACILITIES LOANS	1	55			1	53
BUSINESS AND INDUSTRIAL LOANS						
B AND I LOANS (GUAR)	10	1,975	5	2,922		
BUSINESS AND INDUSTRIAL GRANTS	5	209	3	166		
RECREATION LOANS (ASSN)					20	834
WATERSHED LOANS						
RC AND D LOANS						
FLOOD PREVENTION LOANS						
TOTAL	64	10,412	39	11,780	353	44,466
<b>FMHA PROGRAMS</b>						
FMHA PROGRAMS	5,220	133,275	4,390	114,682	19,540	324,399
FS ADMIN FOR OTHER AGENCIES	1	19	6	830		
TOTAL ALL PROGRAMS	5,221	133,294	4,396	115,512	19,540	324,399

\* NUMBER OF BORROWERS FY 1975 25 \* CUMULATIVE BORROWERS AND AMOUNTS 197 43,581  
 \* NUMBER OF BORROWERS CUR FY 22

FARMS  
HOMES  
COMMUNITY  
FACILITIES  
BUSINESS &  
INDUSTRY



A Rural Credit Program

# fact sheet

WASHINGTON, D. C. 20250

FARMERS HOME ADMINISTRATION

U. S. DEPARTMENT OF AGRICULTURE

## GRANTS TO HELP DEVELOP PRIVATE BUSINESS ENTERPRISES

The Farmers Home Administration makes grants to facilitate development of private business enterprises in rural areas or cities up to 50,000 population, with priority to applications for projects in open country, rural communities and towns of 25,000 and smaller.

### Who Is Eligible?

Eligibility is limited to public bodies such as incorporated towns and villages, boroughs, townships, counties, States, authorities and districts.

### How May Funds Be Used?

Funds may be used to finance industrial sites that will result in development of private business enterprises. Costs that may be paid from grant funds include the acquisition and development of land and the construction of buildings, plants, equipment, access streets and roads, parking areas, utility and service extensions, refinancing and fees.

Grant funds may be used jointly with funds furnished by the applicant, including FHA loan funds.

### How Is Use Of Grants Limited?

Grants cannot be used to:

1. Pay salaries for office or clerical assistance, administrative, transportation or publication costs and expenses.
2. Finance comprehensive area type planning.
3. Develop a proposal that may result in the transfer of jobs or business activity from one area to another. This provision does not prohibit establishment of a new branch or subsidiary.
4. Develop a proposal which may result in an increase of goods, materials, commodities, services or facilities in an area when there is not sufficient demand.

Grant recipients must meet all provisions of Title VI of the Civil Rights Act of 1964 which provides that no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

### **How Are Applications Processed?**

Applicants will be required to submit supporting data before formal application is made. After determining the order of funding priorities, Farmers Home Administration will tentatively determine eligibility and request applicants to assemble and submit formal applications.

### **How Are Grants Closed?**

After determining that applicable administrative actions and required work of the applicant have been completed, Farmers Home Administration will deliver the grant funds by Treasury check. If all or part of the grant is for construction, the grant will not be closed and funds will not be delivered until construction is completed.

### **Where Is Application Made?**

Forms are available from and may be filed with any Farmers Home Administration office.

### **Other Conditions**

Applicants for grants to help develop private business enterprises must file a written notice of intent with the appropriate substate planning agency with authority for A-95 clearance.

FARMS

HOMES

COMMUNITY  
FACILITIES



A Rural Credit Program

# fact sheet

WASHINGTON, D. C. 20250

FARMERS HOME ADMINISTRATION

U. S. DEPARTMENT OF AGRICULTURE

## COMMUNITY FACILITIES

Farmers Home Administration is authorized to make loans to develop community facilities for public use in rural areas and towns of up to 10,000 people. Any community eligible for credit from commercial or cooperative sources is not eligible for a loan from the Farmers Home Administration.

All FHA offices will assist communities in preparing their applications for review.

### Who May Receive Assistance?

Loans are available for public entities such as municipalities, counties, and special purpose districts. Non-profit corporations may also receive loan assistance when adequate plans for loan repayments are made.

Priority will be given to municipal borrowers in communities smaller than 5,500 people to restore a deteriorating water supply, improve, enlarge or modify a water system or an inadequate sewer system, or to merge facilities for more efficient management and economical service.

In addition, borrowers must:

1. *Be unable to obtain needed funds from other sources at reasonable rates and terms.*
2. *Have legal authority to borrow and repay loans, to pledge security for loans, and to construct, operate and maintain the facilities or services.*
3. *Be financially sound, and able to organize and manage the facility effectively.*
4. *Base the project on taxes, assessments, revenues, fees or other satisfactory sources of money sufficient to pay for operation, maintenance, and reserve, as well as retire the debt.*
5. *Be consistent with available comprehensive and other development plans for the community, and comply with federal, state and local laws.*

All applications will be considered without regard to the race, color, creed or national origin of members of the groups applying for assistance, and opportunity to construct, develop and use the facilities must be extended on this same basis.

### **How May Funds Be Used?**

To construct, enlarge, extend or improve water, sewer and solid waste disposal systems or other community facilities that provide essential service to rural residents, and to pay necessary costs connected with such facilities.

Borrowers may also use the money to relocate roads, bridges, utilities and other improvements or to acquire interest in land, water rights, leases, rights-of-way and other forms of land or water control necessary to the development of the facility.

Loans normally will be available when the project is completed. For projects costing \$50,000 or more, if interim financing is not possible or available, multiple advances may be made.

### **What Are The Time Limits?**

The maximum term on all loans is 40 years. However, no repayment period will exceed any statutory limitation on the organization's borrowing authority nor the useful life of the improvement or facility to be financed.

### **What Is The Interest Rate?**

The interest rate currently is 5 percent on the unpaid principal.

### **What Security Is Required?**

All loans will be secured to adequately protect the interest of the Government. Bonds or notes pledging taxes, assessments, or revenues will be accepted as security if they meet statutory requirements. A mortgage may also be taken on real and personal property when state laws permit.

### **Where Will Applicants Obtain Technical Help?**

The Farmers Home Administration will assist the applicant in making the first determinations regarding engineering feasibility, economic soundness, cost estimates, organization, financing, and management matters in connection with the proposed improvements.

If financing is provided, the Farmers Home Administration will make periodic inspections to see that funds are used as agreed upon and that construction meets approved standards.

### **Where And How Are Applications Made?**

Applications for loans may be obtained at the local county offices of the Farmers Home Administration. The county office staff will be glad to discuss services available from the agency and explain how to prepare a written application. The county staff will also provide information on where the application is to be filed.



## FACTS FOR LENDERS on FmHA Guaranteed Business and Industrial Loans

### The Program - In Brief

The Farmers Home Administration (FmHA), through its Business and Industrial Loan Program, guarantees loans to all types of businesses and industries to benefit rural areas. The program is administered under the Consolidated Farm and Rural Development Act.

A primary purpose of the program is to create and maintain employment and improve the economic and environmental climate in rural communities. It is different from other FmHA loan programs in that there is no credit elsewhere requirement. The purpose is achieved through bolstering the existing credit structure of lenders who play a key role in the program by making and servicing quality loans. FmHA can guarantee not more than 90 percent of principal and interest.

Local lenders serving rural areas can often make loans greater than their lending limits by use of the FmHA guarantee.

There are several options lenders may select to sell all or part of the FmHA-guaranteed loan.

Following are more details with respect to loan guarantees, terms, servicing, and secondary marketing.

### ELIGIBILITY AND PURPOSE

#### Who can make loans?

FmHA ordinarily requires a local lender to be the lead lender—the one who initiates the loan application.

A local lender is one in or near the community where the project is or will be located, and who

routinely provides credit to that community.

Most lenders are eligible. They include national and State banks, Federal Land Banks, Production Credit Associations, Banks for Cooperatives, and savings and loan associations. Any other lenders, such as insurance companies, credit unions, and mortgage companies, are eligible if approved by FmHA.

#### Where can loans be made?

Business and industrial loans can be guaranteed in the 50 States, Puerto Rico, and the Virgin Islands except in cities of 50,000 or more and their adjacent urban or urbanizing areas. FmHA makes the rural area determinations and gives priority to applications for loans in open country, rural communities, and towns of 25,000 or less.

#### What projects can be financed?

FmHA may guarantee loans for: Business and industrial acquisitions.

Construction, conversion, enlargement, repair, modernization.

Purchase of land, machinery and equipment, furniture and fixtures.

Certain housing development sites.

Processing and marketing facilities.

Start-up and working capital.

Pollution control.

#### What Projects are not eligible?

Agricultural production.

Any project likely to result in the transfer of business or employment from one area to another.

Any project likely to cause production exceeding demand.

Transfer of ownership—unless this will keep a business from closing, prevent the loss of jobs in an area, or provide more jobs.

Paying a creditor more than the value of the collateral.

Payments to owners, partners or shareholders, etc., who retain any ownership in the business.

#### What nonoperating costs may loans and guarantees cover?

Land, easements, rights-of-way.

Buildings, equipment, machinery, supplies.

Pollution control and abatement facilities.

Feasibility studies.

Interest, including that for interim financing, before the first principal payment comes due or the project starts producing income, whichever comes first.

Lenders' fees and charges and other reasonable fees for preparing an application.

Costs of memberships and/or securities needed to obtain loans from lenders such as Banks for Cooperatives, Production Credit Associations, and Federal Land Bank Associations.

Refinancing debts for sound projects under certain conditions.

### LOAN PROCESSING

#### How do you make a guaranteed loan?

Contact the FmHA county supervisor in the county where the proposed business or industrial



project is or will be located. He can advise you on procedure, forms, and requirements for making a preapplication and/or application.

FmHA has more than 1,750 offices serving every rural county in the United States. They are usually located in the county seat. Farmers Home Administration offices are listed in telephone directories under U.S. Government—Agriculture. Location of an office serving a specific county also may be obtained by writing to Farmers Home Administration, USDA, Washington, D.C. 20250.

FmHA advises potential borrowers who want loans of \$350,000 or less to apply to the Small Business Administration. However, if a local lender prefers to have an FmHA guarantee, FmHA will process the application.

#### **What are rates, terms and equity requirements?**

Maximum maturities for business and industrial loans may be up to 30 years on land, buildings, and permanent fixtures; up to 15 years on machinery and equipment (depending on useful life of equipment); up to 7 years for working capital.

The interest rates are determined between lender and borrower. FmHA does not set a maximum rate. They can be either fixed or variable. A variable rate can be changed no more than quarterly with no floor or ceiling permitted.

FmHA requires that interest be paid at least annually. It normally expects monthly payments of principal and interest, except for seasonal enterprises.

The borrower must have enough equity to provide reasonable assurance that the project will be successful. Normally, FmHA will require at least 10 percent equity. More equity may be required depending upon the particular circumstances.

#### **What is the guarantee fee?**

The guarantee fee to FmHA is 1 percent of the principal loan amount multiplied by the percentage of the FmHA guarantee. The

fee is paid by the lender who may pass it on to the borrower.

#### **Are there other requirements?**

Borrowers and lenders must comply with Federal requirements relating to equal employment opportunity, historic site preservation, flood and mud slide protection, environmental impact, clean air and water act, and nondiscrimination. All applications will be considered without regard to race, color, creed, sex, marital status, or national origin.

#### **EFFECT ON LENDING LIMIT**

##### **Are guaranteed loans exempt?**

The Comptroller of the Currency has ruled that only the nonguaranteed portion of the loan counts against a national bank's legal lending limit per borrower. Bank regulatory agencies in most States have adopted the same rule for State banks under their jurisdiction.

#### **MARKETING OF LOANS**

##### **What are the provisions?**

The lender originating the loan may sell all or any portion of the loan.

For the guaranteed portion, the lender has three options:

1. Multinote system:

As many as 10 notes representing the guaranteed portion may be issued. Multiple notes are issued at time of loan closing. However, they may be obtained during the term of the loan if appropriate arrangements are made with the borrower and FmHA.

In this option, FmHA will provide a separate loan note guarantee for each note representing the guaranteed portion of the loan. These guaranteed notes can be sold by the lender to investors. Such notes are 100 percent guaranteed by FmHA.

2. Assignment:

The lender may assign, using the FmHA assign-

ment agreement, all or part of the guaranteed portion of the loan to one or more holders. If assigned in this manner, the assignment will carry a 100 percent guarantee.

3. Participations:

The lender may sell participations in the guaranteed portion in accordance with his regular procedures.

For the unguaranteed portion: The lender may participate in any manner he chooses.

#### **What happens after a lender sells part or all of a loan?**

The local lender contracts with FmHA (by executing a lender's agreement) to collect principal and interest payments on the entire loan and service the loan. Servicing includes keeping in touch with the borrower in order to anticipate any potential problems such as late payment, etc., and meeting with the borrower and FmHA if a problem does occur.

The local lender is responsible for distribution of principal and interest payments to holder(s), assignee(s), or participant(s), as appropriate. The local lender may deduct a servicing fee agreed upon in advance between the lender and holder(s).

#### **DELINQUENCY AND DEFAULT**

##### **What is the lender's responsibility?**

It is up to the lender to notify FmHA when a borrower is 30 days overdue on a payment and is unlikely to bring his account current within 60 days, or if a loan otherwise is a problem.

The lender is encouraged to work with the borrower to resolve any problems.

In case of default, the holder(s) will be paid in full. If the loan cannot be reconstituted, the lender will ordinarily be responsible for liquidation.

*The above is general information. The provisions of 7 CFR Part 1980-E are controlling.*

UNITED STATES DEPARTMENT OF AGRICULTURE  
FARMERS HOME ADMINISTRATION

FmHA HOUSING PROGRAM

I. Single Family Home Ownership

FmHA provides credit to low and moderate income families in rural towns and cities under 10,000 (20,000) population.

A. Eligibility requirements:

1. Be without adequate housing.
2. Have character to carry out the objective of the loan.
3. Stable in community and employment.
4. Have adequate dependable income to meet all obligations.
5. Unable to obtain a suitable loan from other sources.
6. Must be under the adjusted income limitations.

B. Income to be counted:

1. All dependable income to be received, including overtime or bonus, welfare, social security, etc.
2. Adjusted income is total gross income minus 5%, minus \$300 for each dependent child under 18 years of age.
3. Loans are repaid from future income. Current income is the dependable income to be received in the next 12 months.
4. The income of all adult permanent residents living in the household must be included as family income, both for eligibility and for interest credit.

C. Loan purposes:

1. Repair or rehabilitate present house, including private water and sewage.
2. Purchase and repair existing houses.
3. Build new houses.
4. Purchase of building site.
5. Payment of loan closing fees.

D. Type of housing:

1. Housing must be modest in size, design and cost.
2. Only housing that is essential to the owner's needs.
3. Housing the family can afford and pay for.
4. Housing that is properly located and priced fairly.
5. Housing that will be located in developed areas but provides central water, central sewer, public utilities, improved streets and other accommodations. Exceptions to this are practical with farms or in unusual situations.
6. Families who cannot afford the market interest rate should obtain housing that will meet their essential needs with existing and lower cost homes.

E. Conditional commitments:

1. Houses may be rehabilitated or new homes built under the FmHA Commitment program.
2. Contractor may submit plans, specifications, cost, land description and plot plan to FmHA office prior to obtaining an applicant.
3. FmHA will make an appraisal and determine amount that will be loaned on the property.
4. The builder may sell to an eligible FmHA applicant or to any other buyer.

F. Loan packaging:

1. Local agents, real estate companies, contractors, or other developers may participate in loan packaging.
2. Packager accepts application and assembles other information and material and presents it to FmHA.
3. Housing applicant will be interviewed by FmHA.
4. FmHA makes appraisal of the property and processes loan forms.

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UNITED STATES DEPARTMENT OF AGRICULTURE  
FARMERS HOME ADMINISTRATION

RURAL RENTAL HOUSING

I Purpose - To provide economical and essential housing that is modest in size, design, cost and rental rates for senior citizens and other low and moderate income families.

II Who May Borrow

1. Housing Authority
2. Broad based local nonprofit association
3. Individual
4. Partnership
5. Small Corporation

III Type of Operation

1. Limited profit operation may receive interest reduction based on occupant's adjusted income.
  - A. Profit is limited to 8 percent of initial equity.
  - B. Loan can be made to any eligible applicant for this type of operation.
2. Full profit operation
  - A. Profit is limited to what the project will earn but rents must be at level that low and moderate income families and the elderly can afford.

IV Terms

1. 50 year repayment on projects limited to the elderly - 40 years on others.
2. Loans are made at current interest rate (9%) in effect at time of approval. Interest rate reduced based on occupancy of Limited Profit and Non-Profit projects. Interest rate cannot be less than one percent.
3. Payments are made monthly.

V Type of Housing

1. Only essential housing to be provided.
2. Projects for elderly are to be mainly one bedroom units.
3. Two or three bedroom units may be provided for larger families for working class.
4. Living area: 1-bedroom unit, 600 square feet; 2-bedroom unit, 720 square feet; 3-bedroom unit, about 900 square feet maximum.
5. Multiunit one story structures are generally lowest cost.
6. Should have a common use utility room or building rather than individual washer and dryer space.

VI Miscellaneous Items

1. Provide operating capital equal to 2 percent of the project cost.
2. Loans of 100 percent of security value or cost (whichever is the lower) can be made to Housing Authority or Non Profit Association.
3. Loans to other applicants will not exceed 90 percent of security value or cost.
4. Amount of loan can be further restricted by loan approval official.
5. The equity input of applicant must be in either cash or land.
6. Projects on a variable rate interest credit basis will charge rental rates based on the occupant's adjusted income as follows:
  - A. Owner pays all utilities 25%
  - B. Tenant pays all utilities 20%
  - C. Owner pays only water 20%
  - D. Rent cannot be less than basic rent figured at one percent on the loan, even though this may exceed 20% or 25% of adjusted income.
7. Applications for loans are made through the County FmHA office serving that county.
8. Project architects should consult with the State FmHA Architect prior to drawing plans.



# Small Town Business Area Physical Redevelopment: Science or Serendipity?

# Small Town Business Area Physical Redevelopment: Science or Serendipity?

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## **Small Town Business Area Physical Redevelopment: Science or Serendipity?**

### **Synopsis**

Recently community leaders in a number of small communities throughout the Northern Plains have become interested in renovating and redeveloping their dilapidated business areas. As this interest expanded, applied research projects were organized at Kansas State University to investigate the merits of renovation and redevelopment activities in that state.

One community, Oberlin, Kansas, has been involved in such an applied research effort since 1967 and has completed a number of projects making that small town a more attractive place to live and work. Other communities involved in applied research since 1970 have not achieved as much as was hoped for. Based on these experiences, guidelines developed from activities that have been successful have been presented in this publication. Suggested techniques for undertaking redevelopment programs have been discussed and failures have been noted. Finally, the experiences of a second change agent who has been involved in similar programs (Economic Development Department of Northern Natural Gas Company) have been included for comparison purposes.

A plea has been made for relating business area physical redevelopment to long range planning and development activities. It has been noted that the renovation of one storefront attracts more average citizen attention than the adoption of a comprehensive plan with supporting regulatory devices. Therefore, if properly related, business area physical redevelopment can create an "image of action" for long range comprehensive planning.

Finally it was noted that successful downtown redevelopment is neither an exact science nor pure serendipity but is something in between.

## **Small Town Business Area Physical Redevelopment: Science or Serendipity?**

### **Introduction**

During the past decade, residents of small towns have become increasingly aware that their business districts are dilapidated and shabby. A conservatism spawned by the Great Depression caused businessmen to minimize overhead until neglect became the watchword in maintaining and updating buildings in the business area.

In the early 1960's the attitude began to change. Younger persons started taking over businesses, and the older businessmen began to wonder how they had allowed themselves to become so unconcerned about their business districts. Certainly they had not allowed their homes to deteriorate. As a matter of fact, most homes in small communities are very well maintained and have not been mutilated by thoughtless and inexpensive changes or by neglect.

As the interest in physical redevelopment increased, members of the Regional and Community Planning faculty at Kansas State University began to organize community development research projects within their state. This was a difficult undertaking because the focus of federal funding was on urban problems. Rural programs generally were concerned with increasing agricultural productivity.

Oberlin, Kansas was the first community to come forth with enough financial resources for the Kansas State faculty to initiate renovation programs that were not isolated efforts but parts of an overall community development program. The purpose of this publication is to describe the activities that have been taking place in Oberlin, Kansas; to present recommendations based on these experiences; and to contrast those activities and recommendations based upon the experiences of a second change agent (Economic Development Department of Northern Natural Gas Company) who has been involved in similar programs.

### **Physical Conditions Generally Existing in the Study Communities**

The communities in which the Kansas State Regional and Community Planning Department has conducted applied research projects have had a population of less than 5,000. The major efforts have been in communities of approximately 2,500 that are isolated from major metropolitan areas. The following physical characteristics are fairly common in the communities studied.

1. Population has generally declined in Kansas' rural counties and regions. Oberlin, a typical county seat town, has grown while the population of Decatur County has continued to decline. Those people leaving for larger urban areas tend to be the well educated persons who are desperately needed in small communities. Unfortunately, the poorly trained persons who are least able to cope with the realities of the big city also leave for the urban areas seeking better jobs although they enjoy and "fit in" with small town living patterns.
2. Many of the small communities in Kansas have placed strong emphasis on education. Often they have elaborate school physical plants and competitive teacher salaries.
3. Family income is generally low for those who are not farmers, ranchers, or businessmen because most communities have a limited or nonexistent industrial base.
4. Residential areas tend to be well maintained and attractive.
5. A great deal of attention has been focused on the community water and sewerage systems because it is often difficult to find water and because adverse soil conditions make individual sewerage systems a bothersome annoyance in many areas. Generally the community utility systems are well maintained by full-time city employees. In some towns, however, city utility lines have not been extended with the result that city size has been limited and hence the opportunity to offer expanded goods and services.

6. Kansas communities usually have public parks and swimming pools.
7. Business areas are almost unanimously dilapidated and uninspiring as compared to the rest of the community. The last rash of business building construction generally occurred during the 1920's before the depression and drought of the following decade. Many communities now have vacant store buildings in their downtown areas and some of the inhabited buildings house professional offices on the main floor in opposition to research that indicates that these spaces should be used for shopping. Usually the upper floors of the business buildings are unused or only partially used, and tattered curtains hang at the windows having been left behind by the last lawyer or doctor to rent the space before moving to a building at street level or to a clinic or professional building. Stairways to these upper floors are steep and dangerous, and more often than not, the space has not been modernized. Often either the need for or the income from this dilapidated space is so minimal that the building owner has closed the upper floor entirely. What little exterior renovation improvements have been made by various individual merchants have generally been done in a very uncoordinated and piecemeal manner. One will often find a variety of inappropriate improvement materials used on a storefront resulting in a hodgepodge of colors and textures. Usually, the upper half of the facade which is just as visible to the public has been ignored completely.
8. Signs are generally not a major problem although in some communities they are a very obvious contribution to clutter and disorder. Apparently the merchants have been as conservative about purchasing signs as they have about renovating their buildings. Chain stores usually have the largest signs, which are required in the franchise agreement. These are often mounted flush with the building facade.
9. Often the stores affected by the western sun have aluminum canopies which are mounted at varying heights, usually too high to do much good in shielding the store windows from intense sunlight. Nothing has been done to relieve the drab appearance of the aluminum colored canopies.
10. Small communities generally have not been as marked by metal storefronts as is true in many of the larger more prosperous trade centers.
11. Entrances to small communities are usually lined with large signs advertising items ranging from the largest ball of twine in the world to Exlax.

Common Physical Characteristics



## Kansas State University Small Town Applied Research Projects

During 1964 and 1965, faculty members in the Department of Regional and Community Planning at Kansas State University attempted to aid small Kansas communities curb their loss of population. Short courses in planning were presented by Dr. Murlin Hodgell and Professor Don White throughout the State in communities requesting them. Industrial development reports were prepared for a number of communities by Professors Dwight Nesmith and Jack Clifton. While all of these projects were successful, they did not deal directly with physical appearance which was the main concern of most small community businessmen.

In mid April of 1966, the Dean of the College of Architecture and Design, Emil Fischer, received a letter from Howard Kessinger of Oberlin, Kansas, which stated that Oberlin merchants were interested in renovating their downtown area and were uncertain as to how to start. Enclosed was a brochure from a metal storefront company whose products were being considered for downtown Oberlin. This stimulated the faculty to answer the letter immediately, dreading the thought of anyone paying a great deal of money to cover his store with ugly metal. The K-State reply suggested that a student research project might result in some ideas that could be useful to the Oberlin merchants. The undergraduate student study developed into several other projects over a period of several years.

After the experience in Oberlin, the Regional and Community Planning Department at K-State applied for and received funds from the State Education Commission to study five other communities in Kansas: Lydon, Cherryvale, Yates Center, Tribune, and St. Francis. This project was supported by funds from Kansas State University, the State of Kansas, and from the Department of Health, Education, and Welfare Title I funds authorized by the Congress under the Higher Education Act of 1965. The program was administered by the State Education Commission of Kansas under the leadership of Marlin Schrader, who assigned Bob Senecal and Dwight Wicker to work with the K-State planners.

Success in these five communities varied depending on the working relationships developed and the community organization.

### Oberlin, Kansas: An Illustrative Case Study

As previously noted, the Kansas State University efforts in Oberlin (population 2,291) started in April of 1966 with the letter from Howard Kessinger to Dean Fischer asking for assistance. However, the interest in downtown renovation had been in existence for quite a while.

The initial idea appears to have come from Ernest Woodward, then the editor and publisher of the **Oberlin Herald**. Woodward, a member of the Kansas legislature, had long been known as a community-minded and carefully progressive individual. His interest in downtown redevelopment was created by a visit to St. Thomas, Ontario Canada in 1964 representing the Kansas Press Association as its' president. St. Thomas, a city of some 20,000 persons, had just finished a "paint up, fix up" campaign which included some renovation of the downtown area. Woodward was immediately impressed. He toured the area and photographed it extensively. Upon returning to Oberlin he wrote an editorial entitled, "It Could Happen Here" which appeared in the Thursday, July 9, 1964 edition of the **Herald**. A photograph of St. Thomas' renovation which Woodward called, "Planning, Perseverance, and Paint" accompanied the editorial.

The Oberlin Chamber of Commerce caught Woodward's spirit and authorized Denny Campbell, then President of the Chamber, to contact and eventually retain a Kansas City, Kansas architect to work out a downtown design plan. Several months later the architect had completed a thoughtful study which included some excellent design proposals and presented his ideas to the Chamber of Commerce. The redevelopment plan called for extensive storefront remodeling which the architect estimated would cost each building owner between \$5,000 and \$10,000. A median strip for the landscaping was proposed for Pennsylvania Avenue, the main shopping street. The study was met with a lack of enthusiasm with the opposition objecting to the costs. Ultimately, the proposal died without any action being taken.

The median was considered unimportant by Oberlin citizens. While it was true that there was no landscaping in the downtown area, the shopping areas consisted of one major street approximately two blocks long. Adjacent streets had many trees as did the rest of the town. No argument had been voiced to the designer because the Chamber members weren't against the median, they were merely indifferent to it. One person noted that he had seen design plans like this before and designers always want to landscape the downtown area. The median proposal was something that could always be done, he added, but the storefronts were the major issue. If the designer wanted a median, let him draw one, but price tag on the storefronts would determine the fate of the entire proposal.

Building owners were not convinced that they should spend \$5,000 to \$10,000 to modernize a building that might be worth less than that. The fact that the architect was talking about tuckpointing, installing new windows, replacing awnings, designing new signs and lighting systems, and sandblasting the building meant little; the dollar cost of renovation was all that was remembered. It appeared that Oberlin building owners were prepared to spend a maximum of \$1,500 on a storefront. By contrast, in a larger city such as Manhattan, population 35,000, merchants are willing to consider \$5,000 while merchants in several of the larger towns appear to be willing to spend up to \$10,000 on storefront renovation.

Even though the architect's proposal died quietly, interest in downtown redevelopment was still quite alive. In order to investigate a different course of action, the Chamber of Commerce invited Jim Nighswonger, a landscape architect with the Cooperative Extension Service at Kansas State University, to visit them and discuss community design. Nighswonger covered park design, tree planting programs, as well as downtown landscaping. Because building renovation was outside his field, he suggested that the Chamber contact the College of Architecture at Kansas State University for information about the community planning short course programs conducted by the Department of Regional and Community Planning. Nighswonger's suggestion led to the letter which Howard Kessinger, as the President of the Oberlin Chamber of Commerce, sent to Dean Fischer at Kansas State University.

Professor Ray Weisenburger, alarmed by the thought of an entire downtown area covered with metal, replied posthaste suggesting that while the Department of Regional and Community Planning could not act as an engineering and architecture firm, a student study project to investigate the problem would be possible.

Early in October of 1966, Bill Swegle of the Department of Continuing Education, Eugene McGraw and Ray Weisenburger, both architects and planners on the faculty of the Department of Regional and Community Planning, visited Howard Kessinger and several Chamber of Commerce and Community officials in Oberlin.

First impressions did little to suggest that Oberlin might be the place where exciting accomplishments in downtown renovation would be obtained. The entrance to the community on Highway 36 from the east was rather pleasant in spite of the sign that indicated Oberlin with a pheasant flying through the O in recognition of the fine pheasant hunting in northwest Kansas. The sign also noted that the business district was eight blocks south of the highway. For the first two blocks, Pennsylvania Avenue, the main shopping street, resembled a rural county road soon to be abandoned. It suddenly turned into a brick parkway with a landscaped median strip, created by some early community planner who cared about the beauty of his town. The parkway became a wide brick street which for two long blocks made up the downtown area and then turned into a minor county road after crossing the railroad tracks.

Howard Kessinger was publishing a weekly newspaper in a dingy building on the main street. He worked at his desk behind two large plate glass store windows shielded from the western sun by the ubiquitous aluminum awning.

Across the street was a three story, severely dilapidated building that had once been a lodge hall. After the lodge moved away, the owners chose to ignore the need for a new roof, windows, etc. The upper floors of the building were not safe to walk on. The roof leaked. All the windows on the upper floors were broken out and had been crudely boarded up. Fortunately the other downtown buildings, while not in mint condition, were not as forlorn. Nevertheless, the image of the entire downtown was affected by the one deteriorated structure.

During the meeting with Kessinger and the Chamber of Commerce representatives it was agreed that Professor McGraw's Urban Design class would work on downtown Oberlin during the Spring semester. The Chamber of Commerce agreed to pay all expenses which the class would incur including up to four trips to Oberlin, a distance of 280 miles from the University.

The design class consisted of about 20 persons, all of whom were interested in working in Oberlin. Therefore, early in the second semester (Spring, 1967), McGraw and his students visited Oberlin for two days. With this visit they established the open and friendly lines of communication that are still in existence. They met with the downtown merchants at a breakfast meeting and then visited almost all of them individually during the day to discuss their merchandising problems as well as the ideas each had concerning redevelopment.

Although communication was excellent, the studies were not. The students turned out beautiful drawings that were excellent design statements but were further from the financial requirements than anything the Kansas City architect had suggested. Nevertheless, early in the summer, Professor McGraw and Professor Weisenburger presented the elaborate student drawings to a Chamber of Commerce dinner meeting. Over two hundred people attended, including merchants, employees, professional people, elected officials, and interested townspeople. The drawings were exciting and highly applauded but after the exuberance wore off, it was all too obvious that the problem of financial feasibility had won again.

Because of other assignments at Kansas State, Professor McGraw was forced to withdraw from the project. However, Professor Weisenburger and Howard Kessinger and others from Oberlin continued their discussions throughout the summer of 1967. It was determined that Oberlin needed an "image of action" which could be achieved through a few low priced storefront renovations. It was also agreed that long term proposals for the business area should be developed and that a comprehensive plan for the entire county should be considered in the near future.

A fall meeting with the Chamber of Commerce and the City Commission was arranged. Weisenburger and Dennis McKee, a graduate architect and a graduate student in planning, offered another proposal for renovation. This time the costs would be of prime consideration. Nevertheless, their proposal would cost Oberlin \$4,500 for design drawings, travel, and minimal salaries for the graduate students. The meeting lasted for three hours.

On the flight back to Manhattan, Weisenburger and McKee agreed that the chances that the proposal would be accepted were slim. Few small towns in Kansas had spent money on so-called "non-essentials" as downtown improvement plans. Those that had, had spent limited amounts of cash, and Oberlin had already squandered a great deal on plans that weren't acceptable. There was no way to reduce the sum of cash needed for the Oberlin proposal and that sum was enormous by western Kansas standards. Although no one said so, the atmosphere in the plane was one of dejection. Projects like this were sorely needed, but there was little opportunity to get one started because of the cost problem.

To everyone's amazement, Professor Weisenburger received a telephone call from Howard Kessinger early the following morning saying that the Oberlin Chamber of Commerce and the City of Oberlin were ready to support the proposal and were working out ways to share costs. The decision had been made at a special meeting earlier that morning.

Two more graduate students in planning, Mike Vieux and Carmen Bieker, who were graduate architects joined the project to work with McKee and Weisenburger. Because neither of the past proposals, the architects' nor the students', had matched the community requirements, the project team decided to spend several weekends in Oberlin meeting businessmen and building owners to determine their goals for redesign and renovation. Although this took much time, it was beneficial. As is the case in many small communities, these businessmen had often been asked to sponsor a variety of causes from softball and baseball teams to beauty queen candidates. As a result, they approach any new project with caution. The Oberlin merchants would support this program although they remained concerned about costs.

Therefore, the project team decided to organize the project into three phases:

1. Storefront renovation
2. Canopy design and construction
3. Pedestrian mall design and development.

Storefront renovation could begin at once if a businessman's building was in good physical condition. If not, it was recommended that money be budgeted for structural repairs, roofing, tuckpointing, sandblasting, and window replacement first. It makes little sense to renovate a storefront when the rest of the building is falling apart. By starting on storefront renovation, it would be possible to keep community support alive and enthusiastic while long range design plans and implementation strategies were being prepared for the downtown canopy and the pedestrian mall.

Three or four buildings which were owned by persons who were ready to start construction immediately were considered by the project team. The Oberlin Herald Building and those buildings immediately adjacent which housed the John Ready Department Store, the Ray Jewelry Store, and the Goetl Home Improvement Center were selected. One week later rough sketches were presented and revisions were made as suggested by the merchants. The storefront sketches were finished within two weeks. As had previously been agreed, no working drawings were made. All construction decisions were left to local builders and the store owners. The first drawings were very carefully rendered and took far more time than has been found to be necessary, but they were handsome drawings that printed well in the newspapers and attracted a great deal of attention.



The project team continued to visit Oberlin every other weekend for three months to present sketches, hold public meetings, hear criticism, revise drawings, and revise the community goal statements concerning downtown development. Many of the meetings during late 1967 and early 1968 were attended by the graduate student project team who continued the lines of communication that had been so well established by earlier student groups.

The project team finished their design proposals in May of 1968. Recommendations included a program for storefront renovation, the design for a canopy to cover the sidewalks in the heart of the business area and for the proverbial pedestrian mall to replace the street. Additional suggestions were made for the design of an entrance to the business area from Highway 36, the location of a sculptural object in the parkway at the entrance to the business area, and the location of the new museum building. Professor F. Gene Ernst, former urban renewal director for Kansas City, Kansas, visited Oberlin at this time and estimated that the construction of a mall as proposed would cost about three million dollars if it were to be done with new parking lots, underground utilities, complete lighting, street widening and changes. Even this information did not dampen the high spirits caused by the completion of one storefront.

Henry Hahn, the owner and operator of the Oberlin Bakery, had extensively revised the sketch the project team had prepared for his building because he wanted to make a greater investment than had been anticipated. Hahn's tasteful completed storefront, coupled with his statement that the storefront was one way that he could say that he appreciated his customers and his many years in Oberlin, did more for the project than could be anticipated. When the



Oberlin Herald Building: Before . . . . . and After

new front for the Oberlin Herald was completed a few months later, community attention was firmly focused on renovation, planning, and development. Long range planning was kept in the spotlight by the K.S.U. project team throughout their work on the downtown area. They continually pointed out that downtown improvements are only part of total planning and that Oberlin and Decatur County should get started on long range planning to complement their renovation and development efforts.

Shortly after the completion of the first two storefronts, the Board of Commissioners of Decatur County and the City Commissioners of Oberlin arranged for Kiene and Bradley, a Topeka firm with western Kansas offices, to develop a comprehensive plan for the county which would have extensive recommendations for Oberlin as the major city in the county. Phil Finley, the County Agent, was responsible for bringing the groups together.

The county planning program led to the organization of a countywide Chamber of Commerce whose purpose was to involve farmers and ranchers in economic development decision-making. From past experience it appears that a credibility gap exists between the rural citizens and the local businessmen. In some communities the bitterness has surfaced at public meetings with both sides somewhat surprised at the opinions of the other. Prior to the formation of the county organization, the interests of the Chamber focused on the Oberlin businessmen although the presence of the agriculturalists was always noted. Now a better balance exists and county economic issues are truly considered.

The establishment of the county Chamber of Commerce led to major industrial developments in Decatur County. In the preceding years Oberlin, as did many Kansas communities, "chased smokestacks" in an attempt to create local jobs and to stimulate the local economy. The intent was to get industry at any cost without considering the kind of industry involved. However, Oberlin had been unable to attract any major industrial development. Now through the Decatur County Chamber of Commerce new ideas were forthcoming. People with agricultural experience were involved in community decision-making for the first time.

Several persons in Oberlin and Decatur County who were interested in industrial development proposed that the focus be on agribusiness. Some of these persons had heard that Hereford, Texas had organized their own feedlot and thought Oberlin could do the same. As a result of this interest, Ken Rydquist, the Chamber of Commerce President, appointed Howard Benton, one of the Decatur County Commissioners, to set up a committee to study agribusiness possibilities. Rydquist, Benton, and others organized a Chamber of Commerce trip to Hereford, Texas. A bus was chartered and a collection of ranchers, farmers, businessmen, and interested people visited the Texas community where they found a group of enthusiastic citizens who encouraged them to develop their own agribusiness enterprises.

Shortly after returning home from the Hereford trip, Howard Benton, Milton Nitsch, Harold Lohofener, and Bob Rapp canvassed their friends and raised \$250,000 for the feedlot entirely from persons living within Decatur County. A matching Small Business Administration loan was secured. Construction on the facility started in the fall of 1971 and the lot opened in the summer of 1972.

Recent industrial developments have centered on the organization of a commercial dairy. After investigating agribusiness potentials, Rydquist with the assistance of Kent Reinhardt, who had replaced Phil Finley as County Agent, once again organized a bus trip to Gunnison, Utah to visit the promoters of a local commercial dairy. This trip took place in the late summer of 1972 and once again included a wide assortment of persons from Decatur County. A committee including Lloyd Waldo and Jim Applegate, dairy farmers, and Jack Barrett, a beef and wheat producer, raised \$120,000 in Decatur and adjacent Sheridan and Rawlins Counties. Reinhardt, the County Agent, and Stan Morgan, an Oberlin attorney, handled most of the organizational matters for the commercial dairy which has just started operation.

Downtown renovation was moving at a slow pace compared to other development activities in 1969 and 1970. Phil Cramer, soon to be Mayor, was in charge of a committee studying park improvements while Herschel Betts, principal of the high school, organized the program that led to the development of a new public golf course on a scenic and forested tract of land near Oberlin.

Some much needed interior remodeling was undertaken in several stores in addition to the storefronts that were improved during 1969 and 1970. Most noticeable was the renovation of the three story decayed hulk across the street from the Oberlin Herald office. The upper two floors were removed and the first floor was gutted and renewed. The owners, while not completely following the sketches of the K.S.U. project team, did an excellent job on the building. They saved the old cast iron columns and used them in the new storefront, adding new display windows and a weeping mortar masonry. An eyesore was removed and the building was renovated with the materials salvaged from the dilapidated structure.



Former Lodge Hall: Before . . . . . and After

Meanwhile, the Sappa Valley Art Club began a drive to raise funds for a sculptural piece to be placed in the parkway of Pennsylvania Street at the entrance to the central business district as suggested by the Kansas State University project team.

The sculptural piece was created by Pete Felton of Hays, Kansas. McKee and Bieker of the Kansas State University project team knew Felton, and recommended him. Felton worked mainly in stone and was adept at realism through meticulous detail. After viewing Felton's giant bison sculpture at Hays, the team decided that a massive realistic sculptural piece was just what was needed in Oberlin. The idea was presented to the Oberlin Chamber of Commerce by the K.S.U. project team during the spring of 1968, and the Chamber invited Felton to Oberlin.

After some initial concern over Felton's long hair and Christ-like appearance, Oberlin citizens took a liking to the soft spoken artist and he to them. Felton visited Oberlin several times speaking to art groups, the Chamber of Commerce, and high school students. In May he presented his proposed sculptural piece, the Pioneer Family, in a plaster mock up.

Some said that the pioneer family members were ugly and suggested that Felton make them a little more attractive. In his quiet but persuasive way Felton pointed out that his research indicated that the alien land and harsh living conditions that pioneers endured caused a haggard look. The late Dr. Ken Bickford, an Oberlin physician, noted that the stance of the pioneer family was physiologically impossible to hold for any length of time. Felton noted that this criticism was well founded, but he wanted to show the family with feelings of doubt, uncertainty, and concern. The pose was not intended to be a heroic stance; it was to express determination but also uncertainty. The sculptural piece created genuine concern and community involvement.

The next question was how to raise the money for the statue. Some said that the money should be used for practical things such as sheets for the hospital beds. A sizable majority said that a town like Oberlin ought to be able to afford artwork and sheets for the hospital. At this point, Mrs. Neva Aase, president of the Sappa Valley Art Club and a farm wife, volunteered to work on fund raising. Mrs. Floyd (Dottie) Hotker, Jr. and Jay Jolly, the local band instructor at Decatur County Community High School were named as co-chairmen of the local fund raising drive while Mrs. Aase started looking for other ways to raise money. Eventually, Mrs. Aase received matching grant support for the sculpture from the Kansas Cultural Arts Commission under their Artist in Residence program. The local matching money was soon raised and Felton was commissioned.

The sculptor began work in his studio with the preliminary shaping of the huge stone. During this time, the pedestal was being constructed in Oberlin. Then the huge stone was moved to Oberlin and installed on the pedestal. Felton completed the sculpture as an artist in residence, talking to the elderly at the retirement home across the street, to children on their way to and from school, to high school students, and to any interested persons who stopped to watch.



Sculptural Piece: The Pioneer Family

With one seemingly impossible task completed, the citizens of Oberlin directed their attention to the downtown area again. What was to be done about the mall and the canopy around the downtown area? Economics dictated that the canopy alone would be constructed. Professor Weisenburger of the Kansas State University Project Team was asked to prepare working drawings from the sketches the team had already developed. Weisenburger recommended that a private consultant should be hired, and the firm of Kiene and Bradley was retained. They were already working on the comprehensive plan for the county and had an office in Colby, Kansas, directed by Dick Anschutz, a very capable architect. Anschutz took the KSU Project Team sketches and modified them for specific conditions. He also added small important details such as flag holders designed as integral parts of the structure. With these holders, Oberlin can be decked out in American flags, welcome banners, or special pennants in a matter of minutes.

While Anschutz was working on the design modifications, Stan Morgan, the City Attorney, was asked by the City Council to investigate ways to finance the canopy within the capabilities of the City of Oberlin and the merchants.

It is not known who first mentioned the benefit district approach to financing. It may have been Dr. Don Harrier, a city councilman and member of the Chamber of Commerce. In any case, Morgan researched the statutes and found a General Improvement and Assessment Law, (Kansas Statute 12-6a01) which listed several items for which a benefit district could be organized. The language of the statute indicated that a benefit district could be organized for any kind of a community improvement although it specifically mentioned streets and lighting.

In order to be as safe as possible, Morgan contacted Fred Rausch, a Topeka attorney specializing in the financing of community improvements with bonds. The Kansas Attorney General's Office and the League of Kansas Municipalities, an organization that provides invaluable advice on all aspects of community development to Kansas communities, were also asked for advice. The opinion of all three sources was an uncertain yes; it appeared that the project was possible. As far as can be determined, the benefit district for financing canopy construction and lighting in a downtown area has not been used elsewhere in Kansas.

Morgan found that the statutes allowed for two general approaches to a project of this sort. The first was for the city to initiate the project claiming that it benefited the entire city and allows the city to pay up to 90% of the project costs. Legal considerations would be minimal with legal publications and a hearing required.

The second way to initiate a project had three options.

1. A project can be initiated if it is supported by a majority of resident owners of record of a designated area. Using this technique, each individual resident owner has an equal voice in the decision despite the size of his land holdings.
2. A project can be initiated by the resident owners of record of more than one half the land area in the designated project area. This approach allows the owners of large areas of land in the designated project area to take the lead in decision-making.
3. A project can be initiated by owners of record, resident or not, of more than one half the area liable to be assessed for the proposed improvement.

The Oberlin City Council deliberated at length over the options which Morgan presented to them, and agreed that the construction of a canopy in the downtown area was not a citywide benefit and that all costs except lighting should be charged against the improvement district. The City Council was in full support of the project but felt that the canopy was directly related to the use of the store buildings. Therefore the second option was decided upon.

The City did pay for the removal of the downtown mercury vapor light fixtures and for their relocation along Highway 36. In addition the City paid for the light fixtures which were designed as an integral part of the canopy. The City continues to pay downtown lighting costs and for the maintenance of the light fixtures. Later experience in other communities served by major power companies found this kind of cooperation lacking.

Before any presentation to the City Commission, the Chamber of Commerce organized an information campaign in which they tried to explain all the details of a benefit district proposal to the townspeople and the merchants. Chamber of Commerce President, Howard Kessinger appointed Clyde Vernon, owner of the local Western Auto Store, as chairman of the ad hoc downtown canopy committee. Vernon was extremely interested in the canopy construction and in downtown improvements even though he was the owner of a nearly new aluminum canopy which had been installed on the more than 50 foot frontage of his place of business. Vernon's support was vital since he was the one store owner who would suffer the greatest financial loss as a result of the canopy construction. Vernon was assisted by the energetic Ernest Woodward who, although retired from business, was serving as the secretary-manager of the Chamber of Commerce, by Boyd Bainter, President of the Reserve Building and Loan Association, and Carl Frickey, Chairman of the Board of Farmers' National Bank. As a result of the efforts of these persons, over 80% of the owners of record signed a petition asking the City Commission to authorize a benefit district for the construction of a canopy. Stan Morgan checked the count in several different ways and concluded that no less than 60% favorable representation had been attained no matter how the count was made. More important was the fact that those that opposed the benefit district said that they would not take legal action to block the formation of the benefit district.

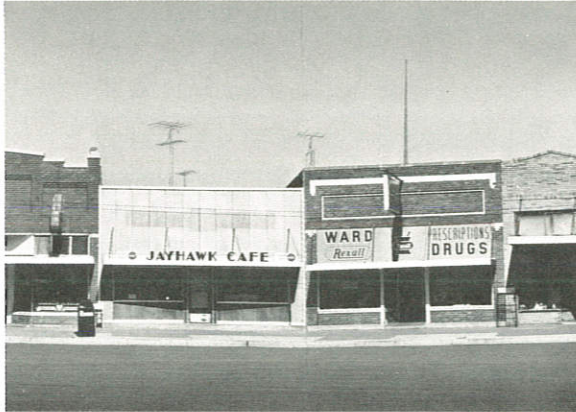
The agreement was accomplished without any "hard sell" or pressure. Clyde Vernon and his assistants did not set any firm date for starting or completing the drive. They simply went out and visited their colleagues and friends as often as it seemed appropriate. They kept the canopy issue completely separate from other controversial issues in the community. As Vernon and Woodward later noted, many excellent projects are lost in a community by individuals or organizations using pressure to sell their ideas.

The degree to which Oberlin businessmen accepted the canopy can best be illustrated by a crisis. As the canopy was being constructed it became apparent that it would be desirable to extend it past the last business building to the end of the block past the side lawn of the Decatur County Courthouse. Unfortunately money had not been budgeted for this extension. Ken Rydquist, the Chamber of Commerce president and Phil Cramer, the Mayor, set out to find it. A substantial percentage came from J. R. Betts, the President of the Decatur County Bank. Betts' bank building was outside the benefit district but community progress was important to Betts. This spirit has also been displayed by a number of other merchants and citizens of Oberlin.

Prior to the organization of a benefit district, a contractor's estimate had been obtained for the cost of the canopy: \$38.00 per running foot. Morgan, the attorney, wanted to be sure that this figure would cover increased construction costs between the time of estimate and the time of construction. As a result, the figure of \$43.00 per running foot was used in all the negotiations with building owners. Unfortunately construction costs increased beyond the \$43 figure. Morgan and other leaders in Oberlin felt that it would not be feasible to ask each building owner for more money.

As a result, metal decking was used in place of redwood for the roof of the canopy. All other details remained the same. Many of the persons who worked to get the canopy constructed were disheartened by the change from redwood to metal. Without question; a great deal was lost in terms of visual warmth when the change was made; however, the canopy is artistically a success. The downtown is visually organized. Storefront renovation has proceeded with designs that relate to the new canopy. By holding the canopy cost at \$43 per running foot, the typical building owner with a 25 foot frontage has a canopy that cost \$1075.00 which, as a result of the benefit district, will be paid for over a ten year period. Because of the extension of these payments, many store owners have undertaken interior remodeling which would not have been possible if the benefit district had not been formed. Exterior renovation continues at a steady pace.

Some renovation such as that at the Downtowner Restaurant (formerly the Oberlin Jewelry and Jayhawk Cafe) and at Wards Drug Store and Gift Shop (now also includes the former Hobby Outlet) has been extensive with tasteful interior and exterior design. Other equally tasteful renovation efforts have been achieved on a number of other buildings requiring little change and have, therefore, been limited to work with new signs, light fixtures and paint. While the storefront renovation expenditure for the Oberlin Herald building did total approximately \$1,500 (excluding canopy); that figure, as mentioned earlier, turned out not to be an absolute maximum for all. As was just indicated, worthy results were achieved in some cases for less while others later became even more enthused and decided to make rather extensive improvements involving larger sums.



Before:



After: Downtowner Restaurant



After: Ward's Drugs . . . Interior . . . . . and Exterior



It would be foolish to suggest that the success of all of Oberlin's projects and improvements are the direct result of some spiritual awakening resulting from the business area projects. It would also be foolish to suggest that the rise in sales volume in the Oberlin central business district is related to downtown improvements since many other things have happened since 1967: several stores are now owned and managed by young persons; a number of store interiors have been remodeled; new contemporary lines of merchandise have been introduced; and western Kansas farmers have recently been producing bumper crops of high priced wheat.

Nevertheless, it can be assumed that the "image of action" created by the downtown programs has had some effect on other activities and programs. It is possible to say, with confidence, that Oberlin is a nicer place to shop in and to visit than it was and that a ground swell of community pride has been generated by the successes of the various business area projects.

### **Guidelines for Business District and Public Area Renovation**

After working with the Oberlin community for four years, Kansas State University was awarded a research grant to study redevelopment in five other communities in Kansas. The research grant added a new dimension to the downtown redevelopment studies in that firm deadlines for project completion were necessary to meet the administrative requirements of the grant. Based on a combination of experiences which resulted from trying some things that worked well and some that failed miserably, it can be concluded that the following guidelines should be considered when working on business district and public area renovation in small communities.

1. Do not set firm deadlines for completing a project and then try to ramrod the project through.

Obviously the strategy for implementation must be directly related to the people in the community. Some communities may respond well to pressure. However, the Kansas State University Project Team experience indicates that renovation should always be kept in the public eye so that the project is not allowed to "cool off," but that it should never be pushed like a crusade.

2. Tie all the business area redevelopment in with long range community planning.

Redevelopment studies and renovation projects attract a great deal of attention. Studies are usually presented with attractive drawings that are reproduced in the local newspaper. The actual construction of the renovation project generates great excitement. Unfortunately the preparation and presentation of a long range plan for a community rarely meets with the same enthusiasm. In Kansas, as appears to be true throughout the nation, building a structure, the bricks and mortar of development, symbolizes progress and community achievement. Planning studies, on the other hand, are considered to lack much real meaning. Renovating one building attracts far more attention than does the presentation of an entire long range community plan. The same is generally true of a community (urban) design plan showing parkways, civic centers, foundations, and statues. The community design plan remains a frill outside the interest of the average citizen.

A storefront improvement proposal, however, is something that can be discussed at a community meeting, reported in the paper, and initiated one or two weeks later. One or two completed storefront renovations convinces most citizens that the project deserves support. Renovation efforts cause people to feel pleased with their community. If the costs can be kept low, the opposition rarely develops any strength.

Because of this observation, the Kansas State University Project Teams have stressed the relationship between bricks and mortar plans and long range development plans noting that the bricks and mortar effort must be directly related to economic studies, trade area analysis, industrial development studies, land utilization proposals, etc.

Oberlin, Kansas started out with a downtown improvement program which mainly focused on community design. The town's concerted interest to get started on a comprehensive plan partially resulted from the KSU Project Team's insistence on identifying downtown improvements as one part of the overall comprehensive plan. Faculty and students urged that as the one major city in the county, Oberlin should support a county-wide planning program. Encouraged by a dynamic county cooperative extension agent, Phil Finley, the City Commissioners, and the County Commissioners developed a working relationship and produced a countywide plan. Today, Decatur County is a strong part of the regional planning organization in northwest Kansas.

It is apparent that if properly identified with long range community planning and development programs, physical redevelopment activities such as storefront renovation can create a favorable image of planning and can therefore influence the implementation of other long range programs. Let the image of action of one activity support the other and let the comprehensiveness of the community plan be used in downtown development decision-making.

3. Establish strong lines of communication.

The time spent talking with local persons is time well spent because a bond of understanding and trust can be developed that makes it possible to deal with the crises that are bound to occur later.

4. Urge the renovation of buildings over other approaches.

Three kinds of old buildings exist in Kansas communities. The first is the building that was designed to be prominent and has not had significant changes since being erected; it may be dilapidated. The second is a building with elements of interest that has been severely mutilated by poorly conceived alterations through the years. The third is a building that was constructed merely to enclose space and has no distinguishing character or scale. Many of the newer buildings in a community fall into the third category.

For the first type, restoration and renovation is vital so that some part of the cultural background of the community can be preserved. If a building is structurally sound, this type of improvement will usually carry the lowest cost. Generally these buildings are well detailed even though the proportions, scale, and other elements of design may be unique to the point of near absurdity.

More buildings fall into category two than any other. The problems faced by the designer who is trying to work with a mutilated building are almost overwhelming. Often the well scaled details have been replaced by a curious mixture of materials. The first step in redesigning a mutilated building is to go to the files of the local historical society or newspaper to find pictures of the building

in its prime. Then try to encourage the owner to embark on a project of authentic or semi-authentic renovation. If this fails, which it often does because of economic feasibility, attempt to save the interesting and historic features of the structure while designing a contemporary facade with a design scaled to relate to adjacent structures.

Category three buildings are the least difficult to work with since the designer is not limited by existing aesthetic conditions. However, the designer must deal carefully with scale particularly as it relates to signs, doors, display windows, and lighting to make this kind of a building into an exciting aesthetic experience.

5. Urge building renovation as a continuous process.

Exterior renovation may rank first on the list of priorities. However, interior renovation must follow. Displays must be modernized and lighting must be improved as part of the process.

Eventually the environmental systems, heating, ventilating, and air conditioning, must be modernized or replaced so that the level of comfort in the store meets with the expectations of the customers.

6. Do not permit cosmetic building renovation.

All buildings should be made structurally sound and watertight before worrying about finishing touches. In all renovation efforts it is important to take care of structural problems first, followed quickly by the installation of a new roof, masonry sandblasting and tuckpointing, and the installation of new windows.

7. Do not use metal storefront materials.

The metal storefront is mainly cosmetic. Rarely does a contractor make the building weathertight with a metal storefront. Instead, it merely provides a bland skin, covering up the unsolved problems. The charm of old buildings is lost as is the scale, proportion, and harmony. Metal storefronts are costly and do not allow the building owner to stage his improvements over a period of years.

For example, using a renovation approach the building owner can replace the roof one year, tuckpoint the building the next, and in succeeding years renovate the storefront and the lighting, acquire tasteful signs, and remodel the interior. The metal storefront requires a major expenditure which must be followed by several years of no improvements while the storefront is being paid for.

8. Do not wait to get started on downtown storefront renovation.

It appears that progress in many communities is held back by well meaning persons who believe that all the buildings must be designed and totally coordinated before starting on any renovation project. On the contrary, the time to start is just as soon as a building owner is ready to start. Good designers working on a project of this sort always make contingency plans for other renovations adjacent to a particular building and are therefore not likely to design something for one structure that absolutely will not fit in with those that follow.

Furthermore it is important to remember that building maintenance is a continuing process and that decisions made today can be changed five or ten years hence. Many places in our towns and cities improve as they change and evolve. The Country Club Plaza in Kansas City, one of America's best examples of urban design, has a fifty year history of design change most of which has been for the better. Other significant examples of urban design such as Venice's Piazza San Marco have been changing as a result of careful work on the part of architects pursuing design excellence for hundreds of years.

It should be noted, however, that several of the small communities visited and studied by the KSU Project Team developed a downtown renovation organization and had complete design drawings of the entire project before they started on renovation. Each community must decide on its own approach; however, experience suggests that downtown renovation should begin as soon as someone is ready to start and that a good job on the first renovation will lead to expanded community interest and to other renovation efforts.

9. Make sure that the leadership of the community is decentralized.

The opposition often focuses its attention on the one community leader and opposes him simply because of personality. Oberlin possesses a diffused leadership with a number of active persons pushing a variety of activities. The result is that support and opposition form for each project based on the merit of the project rather than on the basis of the individual involved.

10. Get the local newspaper editor and at least one of the bankers deeply involved in community improvement.

Neither person should be in charge of a committee which focuses on community development but rather should be a "cheerleader" in as many areas as possible. A newspaper man committed to community development can keep development projects going simply by mentioning them. Harold Dalrymple, Editor and Publisher of the weekly Lyndon, Kansas **News-Herald**, published a special edition last year on community development in Lyndon which attracted a great deal of attention in Lyndon as well as around the state. Dalrymple's coverage made it possible for other communities to see the potential in community physical redevelopment.

Historically, small town bankers have avoided heavy involvement in community affairs with the possible exception of school board responsibilities. Fortunately bankers in Kansas are becoming increasingly involved in community affairs but it is even more fortunate that they generally let other persons hold committee assignments. A banker can do a great deal by simply being cooperative. One of the best things a banker can do is to renovate the bank's buildings or to build a new bank while meeting with the downtown improvement committee to make sure his plans work well with the plans of the downtown committee. The banker is helpful with his "image of support."

11. Encourage the local banks to make low interest loans to businessmen for renovating or remodeling their buildings.

Many bankers in Kansas and in other states have made low interest loans in the past.

12. Use local contractors and builders for as much of the renovation work as possible.

A number of the communities that have had successful and imageable renovation projects have used big city maintenance contractors or builders because they claim that they had little cooperation from local firms. Employing out of town experts is a good way to get rapid renovation but an extremely poor way to work on community development since little local expertise in maintenance and renovation is created. In addition local support is not cultivated when out of town builders are employed nor is there the development of local jobs for residents of the community or for those who could be lured back to the community.

The major problem with local builders is that they have a hard time understanding what the building owner really wants. For years small town building owners have been asking local builders to nail a piece of corrugated metal across a broken window on the upper floor of their building whenever he has time. Every request was made with low costs in mind; very few building owners have cared about aesthetic value. Now the great change has come and the building owner approaches the contractor saying that he wants to renovate his building. The contractor has a hard time believing that the building owner is serious about wanting to do a good or even an adequate job. The contractor is also sure that the building owner wants ten dollars of work for every dollar spent. Therefore, the contractor keeps putting off the downtown projects in favor of others that are more enjoyable and have a proven record of making money.

There are only two ways in which renovation and maintenance work can be encouraged locally. First, the builders and contractors must be involved in the renovation plans from the very start. Second, if established builders and contractors are unwilling to be involved in the project, help some young local craftsman organize a new company and then award the renovation projects to that company. In this way the community provides more job opportunities while developing a group of craftsmen who will be able to handle minor repairs that will be required and for which the out of town builders will not come back to correct.

13. Keep working drawings and detail drawings to a minimum on storefront renovation.

Small town contractors stay in business because they are conscientious and honest. However, they have limited experience in using working drawings and specifications. A builder with a good reputation in a small community generally has a record of using proven construction techniques and materials. As a result a bond of honesty exists which prevents the building owner from being cheated almost as well as specifications and contract documents would do. Therefore, give them good design drawings and sketches but let them work out most of the construction details.

Obviously on projects involving more than one building such as a downtown canopy, a mall, etc., complete working drawings and specifications are necessary just as they are for streets, water lines, etc.

14. Work carefully with the signmakers.

Signmakers can make tasteful signs just as well as garish ones and are generally cooperative except when they also sell metal storefronts. Signmakers usually will work from designers' sketches without complaint.

15. Make sure all sales persons are cheerful and helpful.

This comment may be considered to be out of place in this booklet, however, it must be emphasized that community physical development in the business district cannot cause the downtown to prosper if salespersons are rude and unresponsive to the needs of customers.

16. Select your design consultants carefully.

There are many registered architects that simply cannot work well in renovation; many of the buildings in large cities that have been mutilated, have been mutilated by well meaning architects. Generally speaking, young designers in small firms are prepared to deal with renovation and restoration. They have had some training in this area in school. Small firms generally have small commissions, many of which are not much larger than a renovation project. As a result these designers often pay close attention to your project. Choose a consultant who is enthusiastic about renovation. It appears that a designer who is excited about a project is likely to do a good job.

#### **A Contrasting Viewpoint on Guidelines for Programs of Downtown Renovation**

The Economic Development Department of Northern Natural Gas Company has been providing assistance to communities on such community development efforts as downtown improvement since 1959. Five years later, they became involved with what was to be a very successful program of downtown storefront restoration at David City, Nebraska (population 2,400). This initial opportunity was envisioned as a pilot study to determine if revitalization of a business district could have an effect upon the level of retail business activity. Based upon an accumulation of experiences since 1964 with other communities in Northern's eight state market area, the following contrasting viewpoint on suggested program guidelines is offered. Northern is in full agreement with those mentioned previously and intends only to reinforce some of them from a different perspective.

1. At least consider various possible approaches or vehicles for program organization and implementation that would best achieve unity and collective action in each particular community.

In the case of David City, the formation of a non-profit Development Corporation was the selected vehicle. In this way, the total merchant group collectively



David City, Nebraska: Before . . . . . and After

retained professional architectural services, mutually agreed on a compatible design plan through a series of meetings with the consultant and then arranged for a contractor on a lump-sum block basis. The Corporation also set other policy guidelines such as the treatment of all vacant second story windows, planting of street trees and compatible lettering styles for all signs. The base restoration costs, excluding costs of individual signs and any structural repairs, etc., were then divided on a per front foot basis. This worked easily in David City because all buildings were two-story and were similar in other ways. In other communities, where significant differences may exist between buildings, individual costs will have to be more carefully itemized and then assessed proportionately. Although it is by no means guaranteed, such economies of scale may lead to individual dollar savings as opposed to programs implemented in a piecemeal fashion. There are also a good number of contractors today that, because of the popularity

of such programs, won't take a job in a community unless they can contract for a group or number of buildings at one time. Collective participation can and has been achieved through more informal means of organization or really through no structured organization at all, but it demands a very high quality of individual leadership. Red Oak and Onawa, Iowa are two excellent examples.



Onawa, Iowa: Before . . . . . and After

An already established Community Planning Council provided the necessary leadership to organize a program within a one-year time period at Remsen, Iowa (population 1,400). This organization, composed of representatives of the city administration, Chamber of Commerce, Utilities Board, Development Corporation and others, first suggested the need for a storefront renovation program in February of 1974. Local interest was further generated during a combined meeting of this organization with many of the merchants and building owners at which assistance had been requested from Northern Natural Gas. One month later, the Planning Council again took the initiative and retained a consultant to prepare renovation concept proposals with "seed money" provided by the various groups represented on the Planning Council. The day after the proposals were presented at an October kick-off meeting, a three-member committee of the Planning Council began contacting all building owners to obtain a commitment for action. Approximately eleven owners and landlords have committed themselves to the program which involves fifteen buildings. The out-of-town contractor who had been retained was able to get underway in the spring of 1975. His efforts were supplemented by the services of available local contractors who were coordinating on structural needs, shutters, etc.



Storefront renovation efforts in Albia, Iowa (population 4,100) were also accomplished through a non-profit corporation. This Improvement Association retained consulting services and was financed completely by the sale of \$25 memberships to any interested firm or individual, although an initial planning grant was made by Iowa Southern Utilities Company. As each building was considered the architect made suggestions, the contractor inspected the building and made recommendations and estimates were given the building owner. With final figures in contract form a representative of the Association, who had been working with the owner, returned with this contract for signing. If there were differences, compromises were made. Then the contractor was ready to begin. Each building was treated individually, yet as a part of the whole.



Albia, Iowa: "Operation Face Lift" examples

Although the emphasis in the above examples has been on storefront renovation, it should be noted that there are also other examples of small communities who, like Oberlin, have achieved meaningful results on such other projects as canopy construction, rear entrance development etc. Cooperation and collective action is no less important in these cases as was illustrated with Oberlin.

2. Be keenly aware of the need to maintain interest and keep the program in the public eye.

A proposed improvement program has to be flexible in the physical context as well as in the way it is implemented. However, one needs to be very aware of the important need to maintain and to continually develop those initial expressions of interest in a project. As was previously mentioned, it is generally best not to try to ramrod a project through within a firm timetable. On the other hand, an extensive time lapse in any phase of activity can and has killed many a project. Some type of tangible accomplishment as soon as possible that other merchants and the general public can easily perceive is the best way to maintain and develop greater interest and enthusiasm. Oftentimes, a snowball situation will then develop and most of the holdouts can be persuaded to participate.

Another useful tool is to bring about various stages of commitment. This cannot be oversimplified and might originate with nothing more than signing a pad that you were interested enough after the first meeting to proceed with a study and discussion of possible approaches. This could then develop into a commitment to at least have an architect or planner prepare a sketch proposal to illustrate possible end results. In this connection, there is certainly something to be said for trying to prepare proposals for storefront renovation on a block-by-block basis. Even though a compatible proposal for a particular building or two possibly could be prepared at a later date, a block proposal establishes a recorded guideline that may later influence for the better the actions of that same building owner and/or tenant or that of new ones.

3. Envision and plan a program of downtown improvement in a comprehensive manner.

A collective program of storefront renovation, for example, is felt to be the least expensive and most effective means for improving the appearance of a downtown area. The objective of such a renovation program is not to achieve uniformity—only continuity through collective action. It is a logical first step and should be considered as a mandatory component of any downtown improvement program regardless of the extent or scope—short of clearance and redevelopment. Storefront renovation, however, encompasses only the important need for aesthetic considerations. Equally deserving of attention are the many functional considerations such as parking availability, pedestrian circulation, traffic access and the concentration or grouping of shopping outlets in a way that will best facilitate cumulative attraction and comparative shopping, etc. Both aesthetic and functional considerations should be continually reflected upon in combination when making a total commitment for downtown improvement even though such improvements will be phased over a number of years. This is not meant to infer that in every case in-depth planning for all possible aspects of a program in the small community needs to be accomplished initially. It is important only to be aware of the various other elements and their interrelationships while capitalizing on the particular project opportunity at hand.

For those communities, however, where either an extensive renewal or a multi-faceted renovation program is proposed initially, a comprehensive approach then does become a basic necessity from the outset so as to maximize all opportunities to correct deficiencies and truly enhance the physical form of the area. This brings to mind a current example of a Minnesota community of only 900 population. Their business district is approximately 2-1/2 blocks long by 2 blocks wide. Many of the buildings are wood frame structures and because of their age and condition, renovation is not an appropriate primary choice. Local leaders recognize this and are setting out on a course to redevelop a good part of the area via assistance from the Small Business Administration and the HUD Housing and Community Development Act of 1974. In such a case as this, a comprehensive and well-conceived plan is very important since, even for this small community, there are numerous considerations and options that will have to be meshed and reflected upon in combination.

4. Collective programs of downtown improvement can have a positive effect upon the level of business activity.

This is not so much a guideline as it is a belief, based upon the experiences of this author, that such is true. When two competitive towns are located close to each other, everything else being equal, the city with a more attractive and pleasant downtown area will draw a larger percentage of people. The city which is garish, drab or non-distinctive may be this way not by choice but by disinterest. Any community considering such a program should be aware of the thoughts of other communities in this regard who have completed such a program. Granted that while there are many internal and external factors that influence the level of retail trade, a commercial center can enhance its relative position by:

- Providing safer and more convenient access to the business district.
- Providing adequate off-street parking that is conveniently located to shops, stores and offices.
- Providing the shopper with convenient pedestrian movement, attractive buildings and other physical comforts.

- Providing a wide variety of goods and services at competitive prices.  
The resulting impact on total retail sales that followed improvement programs in a few communities have been estimated as follows:
- |                       |   |
|-----------------------|---|
| David City, Nebraska  | +42% in two years.  |
| Atchison, Kansas      | +80% in three years.  |
| Montevideo, Minnesota | +10-40%; reached first in per/capita retail sales in their population classification. |
| Red Oak, Iowa         | +10-20% in one year.  |



Successful Improvements at Montevideo, Minnesota



Red Oak, Iowa: Before . . . . . and After

For some communities, a feeling that they were at least “holding their own” would also have to be viewed in a very positive way as an excellent outgrowth from such a program.

5. Maximize use of outside resources.

There are a number of available sources of assistance which can aid communities in initiating programs of downtown improvement prior to the retention of technical consultants. These include planning and community development professionals in state government, at the university level and in private industry such as utility companies. While these sources can lend a hand in getting a program underway, the real success of any improvement program will depend on the willingness of all local interests to collectively participate in the program from which they will all directly benefit. This may involve the modification or compromise of individual goals and desires for the benefit of the total business district.

6. Be cognizant of the need for proper maintenance of all renovation improvements.

As mentioned, building renovation itself is a continuous process. That process should also encompass attention to responsible maintenance. Don't permit such things as a revitalized exterior facade to gradually slip back into an unattractive or deteriorating state. With an exterior restoration of a brick building, for example, a masonry stain followed by application of a silicone sealer will hold a crisp color tone for many years. This has been evident in David City. However, repainting of the building trim will likely be needed by about the fourth year to maintain the desired overall appearance. Needs will of course vary for each building.

7. Capitalize on the newly rekindled community pride and move ahead on a broader front in terms of comprehensive planning and total community development.

Northern Natural Gas has also seen an upturn in community pride and focus toward the future brought about from programs of downtown renovation. It is felt that this has come about partly because the small community is more often thought of and identified by the appearance of its business district and because the program itself often focused, when possible, on preserving the architectural heritage of that community. In David City, for example, adoption of their first comprehensive plan and six-year capital improvement program was one result of this new attitude. Capital improvements in the succeeding seven years included a 60-unit low-rent housing facility, improvements and expansions in the city utility system, airport improvements, a modern nursing home facility, industrial expansions, a new hospital and conversion of the railroad depot into a historical museum. This focus on comprehensive planning and total community development will not happen automatically with an upturn of local pride or a change in attitude toward greater cooperation. It will also require capable local leadership and wide citizen involvement.

## Conclusion

Small town business area physical redevelopment techniques are developed from observation, study, and experimentation in an attempt to systematize facts, principles, and methods. However, it can easily be seen that redevelopment is not an exact science because citizen involvement, pride of accomplishment, and creativity are variables which cannot be readily identified or organized. It can also be seen that redevelopment is not pure serendipity although an aptitude for accidentally making fortunate discoveries is an important and valuable ability in small town redevelopment and planning.

The physical planner or designer working somewhere between science and serendipity must develop an ability to understand people as well as their needs and aspirations. This person must be technically competent and must understand the need for organizing a flexible but orderly process for planning and development which can be related to long range efforts in the future.

Additionally, the designer or planner must be able to take advantage of "found" opportunities which often appear, on the surface, to be in conflict with accepted scientific organizational approaches. Although it is important for community leaders to work together and keep community goals in mind, it is vitally important, in small communities, to establish an "image of action" using "found" opportunities. Once this image is established with downtown renovation it can be related to other development decisions involving long range planning and the preparation of comprehensive plans. When this point has been reached it no longer matters whether small town business area physical redevelopment is science or serendipity because it is an action program for planning and community betterment.

**UNIVERSITY COMMUNITY DEVELOPMENT  
PROGRAMS FOR 1968-69**

The following community development programs are available to your community from Kansas State University through its 1968-69 program under Title I of the Higher Education Act of 1965.

**PLANNING AND DEVELOPMENT  
ADVISORY SERVICE**

This service offers consultation on how to undertake a development program. At the official request of the community, a staff member of the Center for Community Planning Services can visit with local leaders to analyze local conditions and to recommend the initial steps to be taken by the community. He will discuss available state and federal assistance programs and explain how to qualify and apply for them.

**SHORT COURSE IN COMMUNITY  
PLANNING AND DEVELOPMENT**

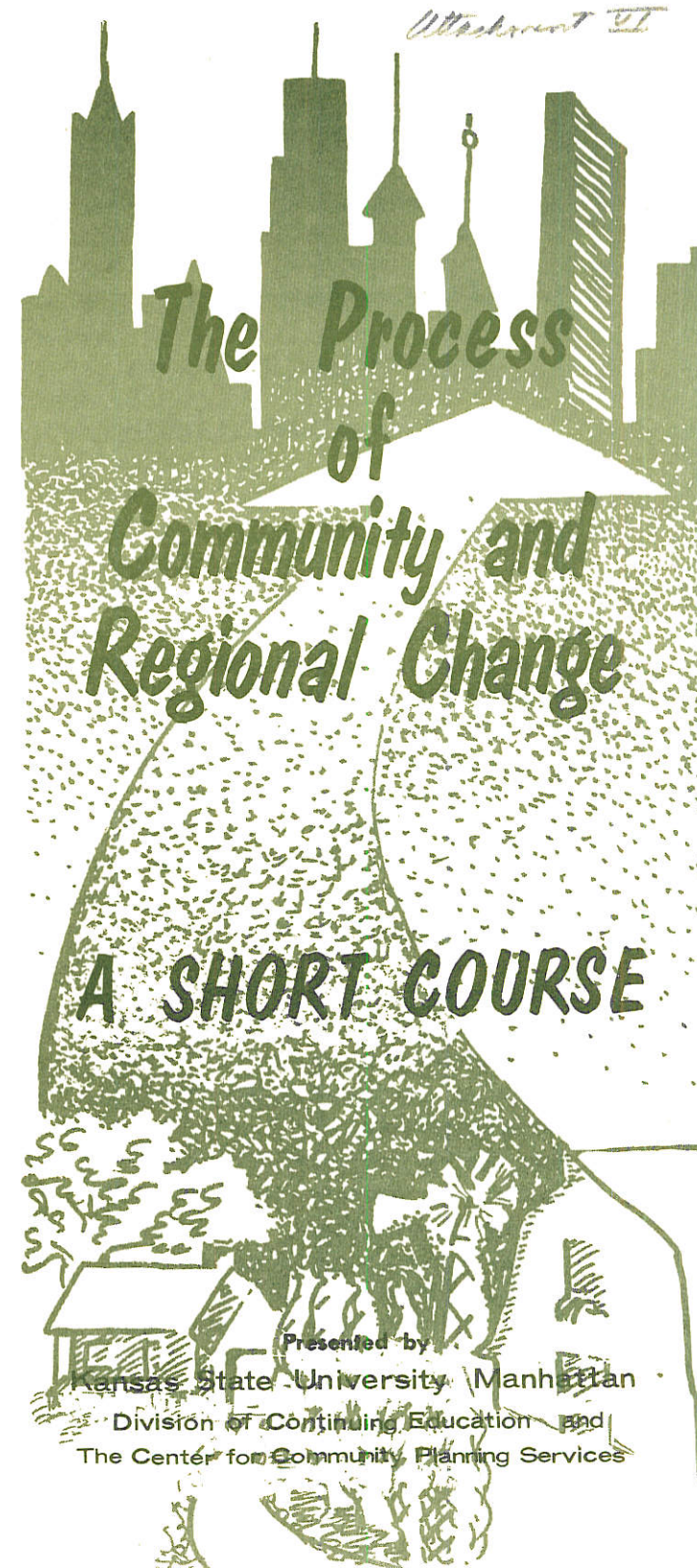
This series helps prepare public officials, planning commissioners and interested citizens to participate with professional planners in the development of a comprehensive community development plan. It helps participants understand the processes of change which affect their community, and how change can be managed through the planning process.

**REGIONAL PLANNING WORKSHOPS**

Many of the forces of change affecting a community are not of local origin. They are created, and must be dealt with, on a regional basis.

While participation in regional planning is important for communities of all sizes, it is especially important for those which are too small to undertake planning programs of their own. By participating in regional planning activities, small communities may still meet the planning requirements for federal financial assistance for development projects.

Under this program, Kansas State University will present regional planning workshops in nine of the eleven planning regions delineated by the Kansas Department of Economic Development. These workshops will be held during the winter and spring of 1969. Write for the specific dates for your region.



*Attachment II*

Presented by  
Kansas State University, Manhattan  
Division of Continuing Education and  
The Center for Community Planning Services

# The Problems Of Change In Kansas Communities ...

## ... And What You Can Do About Them!

### KANSAS IS CHANGING . . . and so is your community!

The evidence is clear throughout the state . . . in every county, town and city.

As agriculture modernizes, much of the rural population is shifting to the cities. Growing communities must increase their housing, streets, sewers and other facilities while those losing population seek ways to employ their graduating youth and to support the facilities and services they already have.

### WHAT CAN BE DONE ABOUT IT?

Whether your community is large or small . . . growing or declining, you can improve its prospects for the future by understanding and managing the forces of change which affect it.

But, how do you study a community? What must you know to understand and manage the process of change?

Kansas State University's "Short Course in Community Planning and Development" provides basic information about "what makes a community tick." It will help you see your community from a functional perspective, as a planner sees it, and to assess its potential for development.

### CONTENT AND ORGANIZATION OF THE SHORT COURSE

The initial course concentrates on understanding aspects of community change and development.

1. The process of community change, and how it can be managed through comprehensive planning.
2. Economic aspects of community change
3. Social aspects of community change
4. Political aspects of community change
5. Physical aspects of community change
6. How to work with professional planners to develop and implement a comprehensive development plan

The second phase of the course deals with actual planning implementation.

1. Legal aspects of plan implementation
2. Financial aspects of plan implementation
3. Public relations aspects of plan implementation
4. Professional resources for plan implementation

**Meeting times:** The course is normally held in three meetings, at two-week intervals. Each meeting deals with two aspects of community development.

**Materials:** Text booklets are provided.

**Local arrangements:** At your official invitation, a representative from Kansas State University will visit your community to determine the needs and expectations of local participants. Closely-related communities in an area are encouraged to join together in offering short course training at a central location. If possible, the participation should

be county-wide and involve county as well municipal representatives.

**Eligibility:** The course is open to all who are interested. It is especially useful to public officials, planning commissioners, and leaders of community agencies and organizations.

**Cost:** Most of the expense of this program is underwritten by Title I of the Higher Education Act of 1965 and by a matching contribution of Kansas State University. A nominal fee of \$5 per person is charged to defray expenses they do not cover...

**Faculty:** The course is presented by staff of the Center for Community Planning Services and other faculty of Kansas State University who know the problems of Kansas communities. Their experience includes economic development, industrial site planning, comprehensive community planning, urban renewal, architectural consulting, engineering, and the social and political aspects of development.

**Program period:** This short course program is funded through the summer of 1969. It will be scheduled on a first come, first-served basis in communities which request it. A maximum of fifteen communities can be served.

### HOW TO GET STARTED

For further information concerning this short course, contact:

Coordinator of Community Services  
Division of Continuing Education  
Kansas State University  
Manhattan, Kansas 66502  
Phone: Area code 913, 532-6846

Manhattan 66502

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