

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Charlie L. Angell at
Chairperson

7:30 a.m. ~~xxxx~~ on Friday, February 18, 1983 in room 123-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

Ramon Powers, Research Department
Don Hayward, Revisor's Office
LaVonne Mumert, Secretary to the Committee

Conferees appearing before the committee:

Thomas C. Bell, Kansas Groundwater Management Districts Association
Dr. William W. Hambleton, Kansas Geological Survey

The minutes of the February 17, 1983 meeting were approved.

S.B. 268 - Civil penalties imposed upon damage to water quality

S.B. 269 - Information on water wells submitted to the department of health and environment

S.B. 270 - Intensive groundwater use control areas

S.B. 271 - Increasing the balance in the pollutant discharge cleanup fund

S.B. 272 - Amending the state water planning and plan acts

Thomas C. Bell read his written testimony (Attachment 1). He testified in support of S.B. 268, 269, 270 and 271. He raised the question of where the money would go from fines assessed under the provisions of S.B. 268. Kansas Department of Health and Environment personnel said the money would be deposited in the general fund.

Senator Kerr moved that the following phrase, "and which does not impose a civil penalty for violation thereof" be added to line 28 of S.B. 268. Senator Werts seconded the motion, and the motion carried. Senator Werts moved that S.B. 268 be recommended favorably, as amended, for passage. Senator Kerr seconded the motion, and the motion carried 10-0.

Dr. William W. Hambleton requested that line 21 of S.B. 269 be amended to read: "notice of completion and development thereof within 60 days after drilling with the". He also requested that the bill provide that the Kansas Geological Survey receive a copy of the completion reports in S.B. 269.

Senator Hess moved that the words "and development" be added to line 21 after the word "completion". Senator Werts seconded the motion, and the motion failed on a 5-5 vote. Senator Hess moved that the sentence, "The department shall submit to the Kansas Geological Survey a copy of every such notice." be added to line 27 of S.B. 269. Senator Rehorn seconded the motion, and the motion carried. Senator Rehorn moved that the bill be reported favorably, as amended, for passage. Senator Hess seconded the motion, and the motion carried 10-0.

Senator Kerr moved that S.B. 270 be reported favorably for passage. Senator Hess seconded the motion, and the motion carried 10-0.

Senator Feleciano moved that the word "board" be changed to "office" in line 26 of S.B. 272. Senator Werts seconded the motion, and the motion carried. Senator Gannon moved that the words "and development" be added after the word "identification" in line 91 of S.B. 272. Senator Gordon seconded the motion, and the motion carried. Senator Feleciano moved that the word "shall" be replaced by the word "may" in line 24 of S.B. 272. Senator Rehorn seconded the motion, and the motion carried. Senator Werts moved that the bill be reported favorably, as amended. Senator Hess seconded the motion. Senator Feleciano made a substitute motion that the sentence beginning with the word "Upon" in line 30 be stricken. Senator Werts seconded the motion, and the motion carried. Senator Werts renewed his motion and Senator Hess seconded. The motion carried 11-0.

The meeting was adjourned at 8:55 a.m. by the Chairman. The next meeting of the Committee will be at 8:00 a.m. on February 21, 1983.

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

Senate Energy + Natural Resources

Feb. 18, 1983

<u>Name</u>	<u>Organization</u>
Thomas C. Bell	Ks GMD Assoc.
Bill Bryson	KDHE
Jim Aiken	KDHE
James Power	KDHE
John Blythe	K.F.B. Manhattan
Roy D. Shenkel	K.C.P.D.
Baerha Sabot	KDHE
Thomas Stiles	KWO
Ed Reinert	Ks League Women Voters Ks Sierra Club
LARRY PANNING	KAN. WATER AUTH.
Martha Mangelsdorf	Ks water Authority
Leland E. Rolfs	Ks. State Bd. Ag. - DWR
Rosemary O'Leary	Ks. Corporation Commission

Summary of Testimony
of
Thomas C. Bell, Chairman
Kansas Groundwater Management Districts Association
before the
Senate Energy and Natural Resources Committee
on
February 17, 1983

Introduction

The Kansas Groundwater Management Districts Association is composed of the five groundwater management districts. On behalf of the Kansas Groundwater Management Districts Association, we support the Kansas Water Authority legislative recommendations to implement the Groundwater Quality Management Plan. These recommendations were made to the Legislature in a report presented to the Legislature by the Kansas Water Authority on January 18, 1983.

Recommendations

The first three recommendations of the Kansas Water Authority concerning the Ground Water Quality Management Plan are as follow:

- 1) Require all government agencies to advise the Kansas Department of Health and Environment when drilling a basic data or research well; SB 269
- 2) Increase the Pollutant Discharge Fund from \$50,000 to \$500,000; and SB 271
- 3) Enable the Kansas Department of Health and Environment to assess penalties for liability damages and pollution clean-up. SB 268

The Kansas Groundwater Management Districts Association supports these recommendations. Although I feel almost all government entities are now filing

Water Well forms with the Kansas Department of Health and Environment for monitoring wells, it would be good to tighten the law to insure the forms are filed. The \$50,000 now allotted to the Pollutant Discharge Fund is a mere "drop in the bucket" when it comes to meeting the needs of such a fund. The proposed \$500,000 may not be enough, but it is a place to start before proceeding further. And finally, the Kansas Groundwater Management Districts Association supports granting the Kansas Department of Health and Environment the authority to assess penalties for liability for damages and pollution clean-up. Currently, the Kansas Department of Health and Environment has the ability to fine for violation of their regulations. However, the Kansas Department of Health and Environment does not have the ability to assess damages or require the polluter to pay for clean-up of the pollutants. This recommendation would give the Kansas Department of Health and Environment that needed authority. The one issue I would suggest you consider here is what happens to the money obtained for assessment of damages. Will it go to the General Fund, because the "water of the state of Kansas has been polluted"? Will it go to the Kansas Department of Health and Environment to support their operations? Or will it go to the immediate landowners who were damaged because of the pollutants?

S.B. 270 The fourth recommendation would grant the Kansas Department of Health and Environment the ability to recommend to the Chief Engineer the initiation of proceedings for an Intensive Groundwater Use Control Area. The Authority's recommendation would keep intact the procedure for designating an Intensive Groundwater Use Control Area inside a groundwater management district, but would give the Kansas Department of Health and Environment the ability to make a recommendation for all other areas of the state. If groundwater pollution were occurring inside a district, the Kansas Department of Health and Environment would inform both the district and the Chief Engineer, leaving the decision for action to the district. Here the Authority has recognized the Legislature's intent to "allow the local people to control their destiny with respect to groundwater

management". In addition, the Authority has recognized that the Intensive Groundwater Use Control Area portion of the Groundwater Management District Act has worked well in its present form. Since adoption of the control area portion of the act, three intensive groundwater use control areas have been recommended to the Chief Engineer by Kansas groundwater management districts, two for water quantity reasons and one for water quality.

Conclusion

In conclusion, on behalf of the Kansas Groundwater Management Districts Association, I would like to commend the Authority for its hard work and accomplishments during their relatively short existence. They have shown the ability to push aside the petty issues concerning water this past year and have gone to the heart of Kansas' water problems. The five groundwater management districts also appreciate the Authority's willingness to work with the districts on these issues and to seek our input on a timely basis. The Legislature should be proud of the Authority's first efforts. The Kansas Groundwater Management Districts Association hopes and trusts the Authority will be able to maintain their current tempo and level of efficiency in the future until the major water issues in Kansas, which have existed for so long, have been solved or have plans for their solution. We support the Authority's recommendations concerning the Kansas Groundwater Quality Management Plan.