

MINUTES OF THE House COMMITTEE ON Agriculture and Livestock

The meeting was called to order by the Chairman, Bill Fuller at  
Chairperson

9:00 a.m./p.m. on February 3, 1984 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Raney Gilliland, Legislative Research Department  
Norman Furse, Revisor of Statutes Office  
Kathleen Moss, Committee Secretary

Conferees appearing before the committee:

The meeting was called to order by the Chairman, Bill Fuller. He reminded the committee that the House would convene at 10:00 today.

The Chairman stated that there are items to discuss for introduction, and said the committee will go as far as possible today and continue Monday on further issues. He stated there will be no hearings today but that it is appropriate to ask questions of people in the audience for clarification.

The air quality standards required by the Department of Health and Environment and permit fees being paid by grain elevators as a result of 1983 SB 414, were discussed. It was pointed out that it would take a bill to change the statute and a resolution to change the regulations. Rep. Polson explained to the Committee the reason for passing a bill and resolution and distributed a copy of each. (See Attachments 1 and 2.) Rep. Polson said he did not feel it is fair that the industries spend many dollars across the state to install equipment for pollution control, then require them to fund an inspection program. He also pointed out that the standards of Kansas are ten times more stringent than the Federal standards.

Rep. Teagarden made a conceptual motion to introduce a bill regarding air quality standards and fees and a resolution, and ask that it be referred back to Committee. Rep. Roenbaugh seconded the motion, and the motion carried.

The Chairman noted that there are several requests from the Board of Agriculture that need to be addressed. One relates to the filled milk and dairy products situation. One of the two laws was declared unconstitutional (the Kansas Filled Dairy Products Act). The Filled Dairy Products Act was written subsequent to the Filled Milk Act. The Board of Agriculture feels if one is unconstitutional, the other would be and they don't want unnecessary attorney's fees to enforce the Filled Milk Act. Rep. Solbach made a conceptual motion to have a bill drafted repealing the two acts, and bring it back to Committee for introduction. Rep. Teagarden seconded the motion and the motion carried.

A labeling law for artificial dairy products was discussed, and the Chairman told the Committee that he was involved in a conference telephone call with individuals from the Board of Agriculture and several states, to learn how their labeling laws are working and any problems they are encountering. He felt the Committee might want to have a bill drafted following sections of the artificial dairy products labeling law of Minnesota. He said it is his understanding that they had defined and improved on the laws of Wisconsin, and eliminated the difficulties Wisconsin had experienced.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Agriculture and Livestock,

room 423-S, Statehouse, at 9:00 a.m./p.~~XX~~ on February 3, 19 84

Rep. Solbach moved conceptually to have a labeling bill drafted, using the Minnesota law as a model, and bring it back to Committee. The motion was seconded by Rep. Buehler, and upon vote, carried.

The issue raised by the Board of Agriculture concerning large capacity scales was discussed, as well as concern for licensing, registration and inspection fees. It was explained there was a need for additional equipment and one way to finance it would be by mandating that the large scale inspection program pay for itself. There were questions for Don Jacka, Assistant Secretary of Agriculture. He explained there would be a registration fee of \$100. When a scale would be found in non-compliance, the owner would be notified and he would have 30 days to get the scale in compliance. The second time inspection would cost \$50. The Board of Agriculture wanted to insure accuracy of scales and is not encouraging inspection fees. This program could pay for itself.

Anhydrous ammonia, and dangers from it, were discussed as well as L. P. gas meter safety. Rep. Solbach offered a conceptual motion to introduce legislation and bring it back to Committee regarding the inspection and registration of large scales, the registration of L.P. gas meters and the registration of anhydrous ammonia facilities. The motion was seconded by Rep. Eckert, and upon vote carried.

(All of these were discussed in terms of the need for the Board of Agriculture to raise enough revenue to cover the cost of the inspection program.)

The ice cream gallonage tax was discussed. The filled dairy ice creams and ice milks do not come under the definition of ice cream and ice milk which is not fair to the ice cream and ice milk industries. Rep. Solbach moved that the gallonage tax include products that have omitted by the court ruling on filled dairy products, be included in a bill draft that after introduction would be returned to the Committee. Rep. Buehler seconded the motion, and upon vote, carried.

The subject of law enforcement powers for livestock theft was discussed, especially concerning the training needed and whether people could be deputized for this purpose, including the extent of their powers. It was explained that such a bill would pertain only with those involved in livestock theft and they would only be able to carry a gun for their own protection. It was moved by Rep. Rezac and seconded by Rep. Johnson that the Committee introduce legislation and that it be referred back to Committee. Motion carried. (This would give special authority to the special investigators at the Kansas Animal Health Department.)

The problem brought to the Committee by the trucking industry concerning the secured load problem with livestock, was discussed. It was moved, conceptually, by Rep. Solbach and seconded by Rep. Campbell that legislation be introduced and brought back to the Committee. Motion carried.

The meeting was adjourned at 9:46 A.M. The next meeting is scheduled for Monday, February 6, 1984, 9:00 A.M., Room 423-S.

HOUSE BILL NO. \_\_\_\_\_

By

AN ACT relating to air contaminant sources; concerning the regulation thereof; concerning the requiring of permits and fixing and charging fees therefor; amending K.S.A. 1983 Supp. 65-3008 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1983 Supp. 65-3008 is hereby amended to read as follows: 65-3008. (a) The secretary may prohibit, by rule and regulation, the construction, installation, alteration or use of any stationary machine, equipment, device, other article or facility which the secretary finds may cause or contribute to air pollution, unless a permit therefor has been obtained from the secretary. The secretary may require, by rule and regulation, that notice be given the secretary prior to the construction, installation or establishment of particular types of classes of new air contaminant sources specified in the rules and regulations, and within 15 days after receipt of such notice, the secretary may require that an application for a permit be submitted to the secretary prior to the construction, installation or establishment of any such stationary air contaminant source.

(b) The secretary may require that applications for such permits shall be accompanied by plans, specifications and other information as the secretary deems necessary. The secretary shall consider an application for a permit with reasonable promptness.

(c) The secretary, by rules and regulations, shall provide for the issuance, suspension, revocation and renewal of any permits which the secretary may require pursuant to this section. The secretary shall not issue a permit without holding a public hearing upon the written request of any person affected by such

issuance. The request for hearing on the issuance of a permit shall set forth the basis for the request and if in the judgment of the secretary there is sufficient reason a hearing shall be held. The secretary shall not deny, suspend, revoke or fail to renew any permit, unless a public hearing is held upon the request of the person or persons affected by the denial, suspension, revocation or failure to renew any permit. Following such hearing, the secretary may affirm, modify or reverse the decision on such permit.

(d) The secretary may deny a permit for any proposed new stationary source if the owner or operator of such a source fails to demonstrate to the satisfaction of the secretary that any other stationary sources owned or operated by such person (or any entity controlling, controlled by or under common control with such person) in this state are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the federal clean air act and amendments thereto.

(e) The secretary may fix, charge and collect fees for permits and the renewal thereof to cover all or any part of the cost of administering the provisions of K.S.A. 65-3001 to 65-3020, inclusive, and amendments thereto, except that no fee or charge shall be made for a permit, or the renewal thereof, for the construction, installation, alteration or use of any machinery, equipment or device in a grain elevator, seed cleaning, the preparation of feed or feed ingredients for animals and fowl, and food for dogs, cats and other pets, making and processing molasses, alfalfa dehydrators and sun-cured plants, cotton ginning, processing popcorn, packaged but not popped, ornamental floriculture and culture of nursery products, flour and other grain mills and soybean oil mills. The secretary shall adopt rules and regulations fixing such fees. The fees shall be deposited in the state treasury and credited to the state general fund, except that if all or any portion of the regulatory services for which a fee is collected under this section is

performed by a county, city-county or multicounty health department at the direction of the secretary of health and environment, then that portion of such fee which pertains to such services, as determined by the secretary, shall be credited to the local air quality control authority regulation services fund, which is hereby created in the state treasury, and shall be paid from such fund to such local air quality control authority.

Sec. 2. K.S.A. 1983 Supp. 65-3008 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

HOUSE CONCURRENT RESOLUTION NO. \_\_\_\_\_

By

A CONCURRENT RESOLUTION concerning air pollution; relating to certain fees; modifying Kansas administrative regulation 28-19-14b, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That Kansas administrative regulation 28-19-14b, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983, is hereby modified to read as follows:

28-19-14b. Operating permit fee. (a) The department of health and environment shall annually collect a fee for permits issued or renewed for the operation of air contaminant emission sources under the provisions of K.A.R. 28-19-14.

(b) The fee collected under subsection (a) shall be established on the basis of the classification of the contaminant source as identified in Table F-1, of this regulation. The annual fee collected for a source in any class shall be determined by multiplying the class number for the source, as determined by Table F-1, by \$20.00.

Table F-1 -- Operating Permit Fee Classification Table

<u>Class</u>	<u>Source Type</u>
<u>Number</u>	
1	Incinerators (wire reclaimers only)
2	Seed-Cleaning; Ready-Mix Concrete Plants, $\geq 12$ to $< 100$ cubic yards per hour capacity; Packaging Fumigants; Concrete Block Plants; Sawmill and Planing Mills; Metal Shredding; Bituminous Coal Loadout Site; Liquid Fertilizer Converters; Pipe Organs; <del>Popcorn</del> ; <del>packaged-but-not-popped</del> ; <del>Ornamental-Floriculture-and-Nursery-Products.</del>

- 3 ~~Grain-Elevators, storage-capacity- $\geq$ 50,000-bu.-to- $\leq$ 175,000 bu.;~~ Ready Mix Concrete Plants,  $\geq$ 100 cubic yards per hour capacity; Miscellaneous Plastic Products; Aluminum Extruded Products; Drawing and Insulating of Nonferrous Wire; Heating Equipment, Except Electric and Warm Air Furnances; Fabricated Structural Metal Products; Farm and Garden Machinery and Equipment; Special Dies and Tools, Die Sets, Jigs and Fixtures and Industrial Molds; General Industrial Machinery and Equipment; Truck and Bus Bodies; Motor Vehicle Parts and Accessories; Games, Toys and Children's Vehicles; Cheese, Natural and Processed; Shortening, Table Oils and Margarine; Fabricated Rubber Products; Boat Building; Municipal Incinerators, with capacity  $<$ 2,000 lbs/hr; Concrete Slabs, Sewer Pipe and Tie Manufacturing; Sand Drying Operations; Pre-blended Concrete; Furniture Manufacturing; Appliance Manufacturing; Lubricant Blending; Waste Oil Re-refining; Fabricated Pipe Products; Research and Development Laboratories; Mobile Homes (frames); Pharmaceutical Preparations; Surgical and Medical Instruments and Apparatus; Dry Wall Finishing Materials; Signs.
- 4 Millwork; Charcoal Manufacturing; Nonferrous Foundries (castings); Metal Forgings and Stampings; Valves and Pipe Fittings; Service Industry Machines; Brooms and Brushes; ~~Prepared-Feeds-and-Feed-Ingredients-for-Animals-and--Fowl;~~ Micronutrient Manufacturing; Rendering Plants; ~~Dog,-Cat and-Other-Pet-Food-(without-can-plant);~~ Food Emulsifiers and Conditioners; Macaroni, Spaghetti and Egg Noodles; Kitty Litter; Miscellaneous Janitorial Supplies; Pesticide Mixing, Blending and Packaging; Paperboard Containers and Boxes; Refrigerant Manufacturing; Sunflower Oil Reclaiming; Liquid Nitrogenous Fertilizer Terminal; Granola Processing; ~~Molasses,-Mixed-or-Blended.~~
- 5 ~~Grain---Elevators,---storage--capacity-- $\geq$ 175,000--bu.--to  $<$ 450,000-bu.;~~ Aluminum Dross Processing; Rock Salt Mining;

Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating  $\geq 475$  HP to  $< 950$  HP.; \*Crushed and Broken Limestone, maximum capacity of primary crusher  $< 150$  tons per hour; Hot Mix Asphalt Plant, maximum plant capacity  $< 200$  tons per hour; Electric Lamps; Cotton Ginning; Tire Retreading; Heating Equipment; Outdoor Recreation Equipment; Reconditioned Barrels and Drums (without incineration).

6 Colleges, Universities and Professional Schools; Correctional Institutions; Meat Packing Plants; Sausages and Other Prepared Meat Products; Drilling Mud Manufacturing; Aircraft Parts and Auxiliary Equipment; Railroad Equipment (railcar refurbishing); Baked and Fried Snacks, Potato Chips; Condensed and Evaporated Milk Processing; Steam Heat Generation; Hospitals.

7 Secondary Aluminum Foundry; Brass and Bronze Foundry; Gray Iron Foundry; Bituminous Coal and Lignite (crusher); Grain--Elevators,--storage--capacity-- $\geq 450,000$ --to-- $< 875,000$  bu.; Hot Mix Asphalt Plants, plant maximum capacity  $\geq 200$  tons per hour; Dog,--Cat--and--Other--Pet--Feeds--(with--can plant); \*Crushed and Broken Limestone, maximum capacity of primary crusher  $\geq 150$  tons per hour; Perlite and Vermiculite Manufacturing or Handling; Lead Oxide Manufacturing; Railcar Incineration; Detoxification or Destruction of Chlorinated Hydrocarbons.

8 Alfalfa---Dehydrators---and---Sun---Cured---Plants; Roofing Granules Processing; Cement Bulk Terminals; Sewerage Systems, (lime burning); Sodium Silicate Processing.

9 Grain---Elevators,---storage--capacity-- $\geq 875,000$ --bu.--to-- $< 2,500,000$ --bu.; Expanded Shale Manufacturing; Commercial Printing; Greeting Card Publishing; Beet Sugar; Electric Power Generation, internal combustion only; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating  $\geq 950$  HP to  $< 10,000$  HP; Natural Gas or Petroleum Liquid Storage Only; Electric Power Generation, steam



- generation only (excluding coal fired); Brick and Structural Clay Tile; Clay Pipe and Refractories; Paperboard Containers and Boxes (with printing); Reconditioned Barrels and Drums (with incineration); Steel Drum Manufacturing; Paperboard Mills; Paints, Varnishes, Lacquers, Enamels and Allied Products.
- 10 Salt Mining, Evaporation or Brine Process; Steel Foundries; Gasohol Manufacturing.
- 11 Aircraft Manufacturing; National Security; Sewerage Systems, (sludge incineration).
- 12 Grain--Elevators,--storage--capacity-- $\geq 2,500,000$ --bu--to  $< 10,000,000$ --bu--; Electric Power Generation, internal combustion and steam generation (excluding coal fired).
- 13 Lubricating Oils and Greases; Petroleum Bulk Terminals; Medicinal Chemicals and Botanical Products; Petroleum Liquid Storage (with pump station).
- 14 Ammunition, Except for Small Arms; Storage Batteries.
- 15 Grain-Elevators,--storage-capacity- $\geq 10,000,000$ -bu--; Flour and--Other-Grain-Mill-Products;--Soybean-Oil-Mills; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating  $\geq 10,000$  HP; Natural Gas Liquids; Mixed, Manufactured or Liquified Petroleum Gas Production and/or Storage and Distribution; Helium Plants; Gypsum Manufacturing.
- 16 Carbon Black; Asphalt Felts and Coatings; Electric Power Generation, total plant generating capacity  $< 1000$  MW (coal fired); Soap and Other Detergents.
- 17 Sulfuric Acid Manufacturing; Nitrogenous Fertilizer Manufacturing; Phosphoric Acid Manufacturing; Industrial Chemical Manufacturing; Cellophane Manufacturing.
- 18 Distilled, Rectified and Blended Liquors; Fiberglass Insulation Manufacturing; Tire Manufacturing.
- 19 Explosives; Portland Cement Manufacturing; Motor Vehicles and Passenger Car Bodies.
- 20 Electric Power Generation, total plant generating

capacity  $\geq$ 1000 MW (coal fired); Petroleum Refinery.

\*Primary crusher -- initial crushing unit to process quarried rock.

(c) The department shall send written notice to any source that is required to pay a permit fee under this regulation. This notice shall be sent to the owner or operator of the source not later than January 1 of each year, shall specify the source classification and class number assigned to the source, and shall specify the amount of the fee that is to be remitted to the department.

(d) The permit fee shall be received by the department before April 1 of each year.

(e) If any fee is not paid by April 1, the department shall assess and collect an additional permit fee of \$5.00 for each day that the fee is not paid after March 31.

(f) Any source that does not submit the permit fee before June 1 of any year shall be considered to be an inactive source. The department, before July 1 of any year, shall send written notice to the permit holder of this determination and that the permit will be revoked unless a hearing is requested within 15 days of the notice.

(g) Any source that is deactivated shall not be reactivated or granted an operating permit unless the department has determined that the source complies with the emission and permit requirements of these regulations that pertain to the construction and operation of new sources. The 90 day reporting period required by K.A.R. 28-19-8(a) shall apply to the date that the source is proposed to be reactivated.

(h) The permit fee required by this regulation shall be remitted in the form of a check or money order made payable to the Kansas department of health and environment. Any check for the fee that is not covered by sufficient funds shall be considered to not have been received and the operation of the source shall continue to remain subject to the provisions of subsections (d), (e), (f) and (g) of this regulation.

Be it further resolved: That Kansas administrative regulation 28-19-14b, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983, shall become effective as modified by this concurrent resolution on May 1, 1984.