

MINUTES OF THE House COMMITTEE ON Energy and Natural ResourcesThe meeting was called to order by Rep. David J. Heinemann at _____
Chairperson3:30 ~~XX~~ p.m. on January 16, 1984 in room 519-S of the Capitol.

All members were present except: Representatives Barr and Foster (Excused)

Committee staff present:

Ramon Powers, Legislative Research
Raney Gilliland, Legislative Research
Theresa Kiernan, Revisor of Statutes
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Ms. Barbara Sabol, Secretary, Kansas Department of Health and Environment.

The meeting was called to order by Representative David Heinemann. Representative Heinemann asked Ramon Powers, Legislative Research, to review Proposal No. 25 for the committee.

Mr. Powers stated the special committee was directed to monitor clean-up efforts at the Furley Hazardous Waste Disposal Site and Kansas Department of Health and Environment (KDHE) and Environmental Protection Agency (federal) handling of the groundwater pollution recently found at Strother Field Industrial Park in Cowley County; and also, review the KDHE role in regulating the Furley site. He further said the special committee held five meetings at which conferees presented testimony. As a result of the study, the special committee made the following recommendations: HB 2628 which would require the Secretary of KDHE to give public notice whenever groundwater contamination occurs at or near a hazardous waste disposal facility; when a hazardous waste facility is ordered closed or modified; and prior to reopening of a hazardous waste facility which had been closed due to groundwater contamination. The committee also recommended that legislation be introduced to remove the current statutory ceiling on KDHE's Pollutant Discharge Cleanup Fund which is used for funding any immediate response by KDHE to a hazardous waste or other threat to the environment and public health.

There were no questions from committee members.

Barbara Sabol, Secretary, Kansas Department of Health and Environment, presented the Agency's environmental legislative program. Ms. Sabol began by reminding the committee the KDHE had a very broad responsibility for protecting both the public health and the environment for all Kansas. She reviewed the Governor's budget for Fiscal Year 1985 which reflected the following environmental priorities: 1) hazardous waste management; 2) groundwater protection; 3) drinking water quality; 4) water quality management; and 5) low level radioactive waste disposal. (Attachment 1)

Concerning Hazardous Waste, Ms. Sabol asked that necessary legislative changes be provided to gain full authorization under the Resource Conservation and Recovery Act; prohibition of land burial of hazardous waste in Kansas; create a Kansas "Superfund"; and provide time limit tax incentives to promote alternatives to land burial of hazardous waste.

In the area of drinking water quality, Ms. Sabol outlined the department's plan of continuing to identify new instances of organic contamination and proposed expansion of regular monitoring efforts. Ms. Sabol stated there was an estimated

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources,
room 519-S, Statehouse, at 3:30 ~~am~~/p.m. on January 16, 1984.

250 unpermitted, non-community water supplies which serve the public at restaurants, gas stations, small trailer courts, etc.

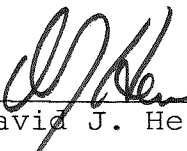
Ms. Sabol reviewed the department's Water Quality plan. She said two reports had been prepared and would be submitted to the Legislature this session. One report is on the Management Report on the Six Directives including mineral intrusion, agricultural runoff, irrigation, lead and zinc mining, construction erosion, and urban storm runoff. The second report is a revision of the 1979 Water Quality Management Plan.

Radioactive Waste Disposal was the next area outlined. Ms. Sabol reviewed the waste disposal program outlined earlier. In closing, Ms. Sabol gave an overview of the reorganization of the Department and stated the organization was working well.

Chairman Heinemann opened the meeting to a brief question and answer period.

There being no further business before the committee, the meeting was adjourned at 4:45 p.m.

The next meeting of the House Energy and Natural Resources Committee will be at 3:30 p.m., January 17, 1984 in Room 519-S.



David J. Heinemann, Chairman

Date January 16, 1984

GUESTS

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

NAME

ADDRESS

ORGANIZATION

NAME	ADDRESS	ORGANIZATION
David W Michel	Topeka, KS	KCC
Whitney B Damon	Topeka, KS	KURC
Johnna Jordan	Topeka	KCC
Allan Abramson	Topeka	KDHE
Robert Epps	Topeka	KDHE
ROSS MARTIN	Topeka	KPC
Amos K...	Topeka	KPC
D. WAYNE ZIMMERMAN	TOPEKA	THE ELECTRIC CO'S ASSOC OF KS
LINDA SHEETZ	"	PETE MCGILL & ASSOCIATES
Jan Johnson	"	Budget Division
PAT SCHAFER	"	" "
DICK COMPTON	HAYS	MIDWEST ENERGY
RON GACHES	TOPEKA	KACI
WALTER DUNN	"	EKOGA
Bob Hammitja	Topeka	AG's office
N Zogelman	"	Speaker's office
ML Jenkins	"	"
Ray D. Shearer	Shawnee	KCPD
Chad Hickey	Topeka	KOMA
JERRY (Lambert)	Topeka	KCE
Ed Reinert	"	KS League Women Voters
BARB REINERT	"	KS Women's Political Caucus

Date _____

GUESTS

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

NAME

ADDRESS

ORGANIZATION

John Klontz

Topeka

KAPE

Todd Epp

Topeka

KTUU-TV

Lance Ross

Topeka

KSN-TV

Andy Smith

Topeka

KSN-TV

Frank Shriver

Ark City

Seg

Jim McLean

Topeka

KANU

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Presentation of Agency Environmental Legislative Program

By

Barbara J. Sabol, Secretary

To

House Energy and Natural Resources Committee

January 16, 1984

Mr. Chairman, Members of the Committee: I am pleased to be able to discuss with you today the status of the Department of Health and Environment and our initiatives for protection of the environment.

As you know, the Department of Health and Environment has a very broad responsibility for protecting both the public health and the environment for all Kansans. We have responsibility for control of most environmental contaminants and conditions relating to human health and welfare and the integrity of the land, air and water environment. Governor Carlin said in his message before the Legislature of 1983 and reinforced to the 1984 Legislature last week that, "Kansans have a deep respect for the natural resources of our State. They expect a healthy and safe environment composed of clean air, productive land and quality water. They recognize that these natural resources contribute to the productiveness which is of a distinctive quality in Kansas. Preserving and protecting our natural resources must be an effort joined by individuals as well as public and private agencies." As our environment becomes more complex, so must the intensity with which we care for that environment. Indeed, our environment is becoming more complex.

The Department's responsibilities have grown over the years in response to legislative changes designed to achieve an interrelated, comprehensive environmental control program. Our environmental goals include maintaining a healthful environment free from significant levels of pollutants; preserving our natural resources; and developing environmental control programs which are responsive to the needs of Kansans. Our Department activities are primarily of a regulatory nature. These regulatory actions are implemented within a policy framework that is based on a cooperative approach maintaining, however, a perspective of healthy skepticism and independence to allow for vigorous enforcement. Not all the Department's activities are regulatory. We provide technical assistance to individual citizens, municipalities, and industry. Counsel is provided on safe and effective methods of handling a wide variety of chemicals and hazardous waste. Publications and guidance are provided to local agencies and citizens on a variety of issues, including such things as construction of effective rural sewerage systems and water supply wells. Training programs are provided to operators of municipal and industrial water supplies, waste treatment plants, and solid and hazardous waste facilities so that compliance, efficiency and economy will result.

The Governor's budget for Fiscal Year 1985 reflects the following environmental priorities:

- Hazardous waste management;
- Groundwater protection;
- Drinking water quality;
- Water quality management;
- Low level radioactive waste disposal.

Hazardous Waste

State and federal laws and regulations pertaining to solid and hazardous waste have evolved during the past seventeen (17) years. Laws pertaining specifically to hazardous waste and setting out details for its management did not exist prior to the 1977 session of the Kansas Legislature. In 1981, the Legislature created a new Hazardous Waste Act by extracting provisions from the Solid and Hazardous Waste Act and by adding new sections. The Department of Health and Environment has responsibility for administering the state Hazardous Waste Act. In addition, we administer the hazardous waste portions of the federal Resource Conservation and Recovery Act (RCRA), with its many and complex supporting regulations, in concert with the U.S. Environmental Protection Agency. Kansas is an Interim Authorization State for RCRA administration, and it is our hope and intent to obtain final RCRA authorization in 1984. This will require Legislative action.

In the area of hazardous waste management, the potential long-range effects are such that we must take additional steps to minimize risk. The Governor has proposed a two prong strategy: minimizing potential contamination to groundwater by prohibiting land burial (preventive) and attention to 201 potential problem sites through a Kansas Superfund. These initiatives will need Legislative action as well. These are important policy directions designed to allow us to continue to meet the goal of protection of public health and environment. The Governor has proposed additional staff for the hazardous waste management program and \$500,000 for a State Superfund to allow the Department to review, investigate, and monitor the 201 potential problem sites that have been identified around the State. Therefore, Legislative action is proposed to amend certain statutes to:

1. Provide the necessary Legislative changes to gain full authorization under the Resource Conservation and Recovery Act.
2. Prohibit land burial of hazardous waste in Kansas.
3. Create a Kansas Superfund.
4. Provide time limit tax incentives to promote alternatives to land burial of hazardous waste.

Drinking Water Quality

The protection of public health through assurance of safe and adequate water supplies is a major responsibility of the Department. In recent years, we have discovered additional problems that need our attention.

Contamination of groundwater sources of public water supply is an emerging public health problem. Volatile organic chemicals are now being detected with the use of sophisticated analytical measurement techniques. The Department is particularly concerned because of their frequency of occurrence, occasional presence in high concentrations, and the potential health risk. Examples of volatile organic chemicals include trichloroethylene, tetrachloroethylene, carbon tetrachloride, trichloroethane, dichloroethane, and vinyl chloride. Samples taken from public water supply wells in thirty-one (31) communities in 1982 revealed four (4) with volatile organic compounds. These systems serve 22,000 people. The Department, in addition, has been working with four areas where organic compounds were detected. These are: Strother Field near Winfield; 60 private wells east of Hutchinson; 20 private wells in northwest Sedgwick County; and an unincorporated community north of Wichita. It is estimated that these groundwater pollution instances have affected about 5,000 people.

The continued identification of new instances of organic contamination of our groundwater is a major challenge for the state. In response, the Department is proposing to expand its regular monitoring efforts into a broad synthetic organic chemicals survey. We hope to test 60 water supplies for synthetic organic chemicals each year. This approach will focus our attention on the most urgent cases for clean-up of drinking water supplies.

Thirty-nine (39) communities serving over 77,000 people use water supply lakes for public drinking water. In a recent field survey, pesticides were detected in eight (8) of the nineteen (19) lakes sampled.

There are an estimated 250 unpermitted, non-community water supplies which serve the public at restaurants, gas stations, small trailer courts, etc. Since these systems are not yet inspected or sampled it is unknown what potential problems they may harbor. This is a problem to which we must also give attention.

Water Quality

Under Section 208 of the Federal Clean Water Act, a plan was prepared and submitted to the 1979 session of the Kansas Legislature which subsequently adopted the Kansas Water Quality Management Plan. The Legislature passed Senate Concurrent Resolution 1640 which directed the Kansas Department of Health and Environment to report to the Legislature in 1984. Two reports have been prepared, and will be submitted to the Legislature this session.

1. Management Report on the Six Directives:
 - a. Mineral intrusion;
 - b. Agricultural runoff;
 - c. Irrigation;
 - d. Lead and zinc mining;
 - e. Construction erosion;
 - f. Urban storm runoff;

2. Revision of the 1979 Water Quality Management Plan which is programmatic in nature.

This year we will complete the process of accepting full delegation from the U.S. Environmental Protection Agency for the Construction Grants program, with the acceptance of responsibility for construction inspections. These inspections are essential to assure that sewage treatment plants are built as designed.

This year also will mark the beginning of implementation of the pretreatment program by over a dozen cities. Close oversight and technical assistance by the Department will be needed to protect the integrity of our sewage treatment plants.

Groundwater

In adopting the Kansas Water Quality Management Plan, the 1979 Legislature directed the Kansas Department of Health and Environment to continue work on development of a statewide groundwater quality management plan and report to the Legislature in 1981. The 1982 Legislature acted on the portion dealing with oil and gas field pollution problems which resulted in passage of Senate Bill 498 and subsequent formation of joint offices of the Kansas Corporation Commission and the Kansas Department of Health and Environment. The Department of Health and Environment and the Kansas Corporation Commission will jointly present to the Legislature a report on the implementation of SB 498.

Current issues within the groundwater program include an evaluation of the potential problems posed by underground storage tanks and by spills of organics. We intend to upgrade the petroleum storage tank inspection program to improve our inventory of both active and abandoned tanks, as well as do more testing to determine cases of substantial leakage. We also intend to evaluate the impact of spilled organics on groundwater resources through long-term monitoring.

Radioactive Waste Disposal

The 1982 Legislature passed enabling legislation to allow Kansas to participate in the Central Interstate Low Level Radioactive Waste Compact. The outlook of Congressional ratification is optimistic for 1984. Licensing of a site will take over a year. A January 1, 1986, deadline allows Compact states with a designated site to close out non-member states from using the site after that time. The State will continue to actively participate in the Compact.

Our baseline environmental monitoring program for the Wolf Creek Nuclear Power Plant is entering its second year. I have directed my staff to review this program and to make any changes needed to improve our ability to detect and to respond to any off-site emissions which could threaten public health or the environment. We also are considering an agreement with the Nuclear Regulatory Commission (NRC) which will give the state the full lead role in off-site monitoring.

This has been a very brief overview of the goals, accomplishments, and proposals for the Departments environmental programs. The recommended new Legislative actions are summarized as follows:

1. Adopt necessary Legislation to gain full authorization under the Resource and Recovery Act (RCRA).
2. Hazardous waste - Adopt legislation to prohibit the land burial of hazardous waste.
3. Hazardous Waste Superfund - create a fund which will be available for state cleanup action.
4. Adopt time limited tax incentives to promote use of alternatives to land burial.
5. Pretreatment - amendments to K.S.A. 65-164, 165, 167, 170a, and 171d to give KDHE full authority to administer the Kansas pretreatment program, rather than jointly with EPA.
6. Water Supply Systems and Wastewater Treatment Facilities Operator Training and Certification - amend K.S.A. 65-4506 to allow Secretary to set the fee for training and certification at a level sufficient to cover direct and indirect costs of administering the correspondence courses.

Finally, the recent reorganization of the Department which was designed primarily to improve coordination and communication and linkage between health and environmental programs already has demonstrated its benefits. Communication and coordination among the Bureaus has improved. The integration of the drinking water, surface water, and operator training programs under the Bureau of Water Protection has enabled them to speak with one voice and to broaden their perspective in delivering services to Kansas communities. Consolidation of functions such as permits, compliance and plan and specification review has improved the efficiency of the programs too. Another important goal of the reorganization--to improve the link between our health and environmental programs--is being achieved. This focus has been in the area of hazardous waste health and environmental risk assessment which now involves staff from both the Division of Health and Division of Environment working together on a daily basis. Strengthening the link between health and environment already has improved our responsiveness to the public as at Strother Field and the Obee School. All in all the reorganization promises to continue to strengthen the Department.