

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Representative David J. Heinemann at  
Chairperson

3:30 ~~am~~ p.m. on February 9, 1984 in room 519-S of the Capitol.

All members were present except: Representatives Acehson and Patterson (excused)

## Committee staff present:

Ramon Powers, Legislative Research  
Theresa Kiernan, Revisor of Statutes' Office  
Pam Somerville, Committee Secretary

## Conferees appearing before the committee:

Steve Long, Total Petroleum  
Barbara Sabol, Kansas Department of Health and Environment  
Paul Getz, Kansas Department of Health and Environment  
Pat Casey, Kansas Department of Health and Environment  
Charles Hamm, Kansas Department of Health and Environment

The meeting was called to order by the Chairman and he explained to the committee that he had discussions with officials in regard to what is hazardous waste and what is considered land burial. Chairman Heinemann introduced Mr. Steve Long, Total Petroleum, to address the committee on some of his company's concerns. The Chairman also informed the committee that Barbara Sabol and representatives of KDHE and EPA were present to answer any questions.

Mr. Steve Long began by stating his company operated three refineries with corporate headquarters in Denver, Colorado. His company had studied HB 2740 and had some concerns as to the contents. Presently, Total Petroleum operates a land treatment facility listed with KDHE and EPA. He stated the wastes are not hazardous because of characteristics and that they monitor, control, and report findings to KDHE. He noted on page 3 of HB 2740; language deletes the definition of treatment facility.

Chairman Heinemann asked Mr. Long to explain. In addition, Representative Fox asked if it was hazardous waste their firm was dealing with. Mr. Long replied that normally their wastes were not hazardous; however, by definition, their company is required to monitor and sample to meet the requirements of KDHE. He further stated that their firm's operation was a land farming operation.

Chairman Heinemann asked for a definition of land farming. Mr. Long replied by saying refineries produced sludges which in turn was spread over an acreage (or farm). The mixture was then spread out (25-50% water, 5-10% oil and solids varied from 25-50%). The mixture is then tilled as in farming. Mr. Long stated the process is approved by KDHE as a method of treatment.

Representative Fox asked if they disposed of hazardous wastes in their land farming facility as classified by EPA and/or KDHE. Mr. Long stated they did dispose as classified; however, when analyzed, it may not be concentrated as defined and therefore not hazardous wastes.

Representative Fox then asked if in fact they did not dispose as classified then HB 2740 would not have an impact on their company. Mr. Long explained that all wastes treated were defined as hazardous wastes until proven and listed as nonhazardous.

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Currently their facility is listed as hazardous. Representative Fox asked if in fact they did dispose of hazardous wastes. Mr. Long replied they did.

Chairman Heinemann reminded Committee members that Secretary Sabol was present to respond and clarify any matters concerning KDHE.

Secretary Sabol stated that Total Petroleum was not disposing of hazardous wastes, rather they were treating and that land farming was an acceptable method of treatment. Moreover, they would continue to be able to operate the treatment facility under the provisions of HB 2740.

Representative Fox said that in effect it was not a question of hazardous wastes but rather the mode of treatment, and under their treatment methods, they were acceptable. He asked for clarification regarding line 68 and the definition of disposal facility which included treatment. Secretary Sabol said that "facility" was defined in lines 36-40 and treatment was defined in lines 166-173. Ms. Sabol stated that, based on those definitions, there was no reason for further definition of treatment facility.

Representative Fox asked if the proposed legislation in HB 2740 would change Total Petroleum's status in regard to a treatment facility. Barbara Sabol, Paul Getz, Charles Hamm, and Pat Casey, all of Kansas Department of Health and Environment said that it would not.

The Chairman confirmed that he had talked with Secretary Sabol about the need for definitions of land farming and injection wells and that they would be defined in the land burial legislation (HB 2725).

Representative Fox noted that hazardous wastes disposal facility was a very broad definition in line 166 and was Total Petroleum a treatment facility by the definition contained in that language. Secretary Sabol stated there was no problem and that she had no difficulty with language drafted to address the definition.

Mr. Long expressed another concern that on line 0183 stating "wastes does not include solids...which are point sources subject to permits under K.S.A..." He stated deletion could create confusion and that Total Petroleum was a point source. The language deals with water discharge and therefore they were regulated by two regulations. Mr. Paul Getz stated there was a list of exceptions and NPDS discharges were adopted by references, and would therefore, not affect Total Petroleum's operation.

The final concern of Mr. Long's was in line 0053, the deletion of household wastes. Chairman Heinemann stated amendments had already been drafted to address and incorporate the language back in the bill. Presentation by Mr. Long concluded.

Discussion and final action on HB 2728. The Chairman explained that HB 2728 was a dual referral and would go to Ways and Means following final action by the Committee. Representative Runnels moved to recommend HB 2728 favorable for passage. Representative Sughrue seconded the motion. Representative Ott made a substitute motion to pass HB 2728 without recommendation. Representative Barr seconded the motion. Motion carried.

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Discussion continued on HB 2740. The Chairman reminded the committee that proposed amendments had been discussed in Section 1 and Section 2 would be reviewed by Staff. Staff distributed a list of proposed amendments and reviewed the entire bill. (Attachment 1).

There being no further business before the committee, the meeting was adjourned at 4:55 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held at 3:30 p.m., February 13, 1984 in Room 519-S.



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David J. Heinemann, Chairman

Date February 9, 1984

GUESTS

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

| NAME               | ADDRESS     | ORGANIZATION                   |
|--------------------|-------------|--------------------------------|
| Ray D. Shenkel     | Shenkel     | K.O.P.C.                       |
| JERRY (SONNEN)     | TOPEKA      | KGE                            |
| D. WAYNE ZIMMERMAN | TOPEKA      | THE ELECTRIC CO. ASSOC. OF KS. |
| Richard D. Kready  | "           | KPL / Gas Service Co.          |
| PATRICK LINCOLN    | ALMA MICH.  | TOTAL PETROLEUM                |
| STEVE LONG         | ARK CITY    | TOTAL PETROLEUM                |
| Gordon CRISWELL    | KANSAS CITY | Gov.'s Policy Office           |
| Wayne Probasco     | TOPEKA      | Ks Soft Drink Assn.            |
| WALTER DUNN        | ✓           | EKOLA                          |
| WHITNEY & DAMON    | TOPEKA      | KNRC                           |
| Chip Wheelen       | "           | Waste Mgmt, Inc.               |
| PAT SCHAFFER       | TOPEKA      | BUDGET                         |

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

H.B. 2740

ADDITIONAL CHANGES

January 25, 1984

- Line 0049 Strike: "is" Add: "as" after the word is
- 0050 Strike: "to"
- 0092 Add comma between "processing treatment"
- 120 Delete: The word "or" between the words "person or other"
- 175 Correct spelling of both words "amendable" to be "ameanable"
- 213 Delete: "request" Add: "require" before the word "information"  
Delete: "and" after the word "criteria"
- 222 Delete: "characteristics" before the word "for"
- 253 Strike: "Activity" Add: "generation" after the word "activity"
- 371 Strike: "or for each"
- 372 Strike: "radioactive hazardous waste disposal facility"
- 592 Strike: "or"
- 631 Add: a comma after the word "section"  
Strike: "except such time period shall not apply to an application"
- 632 Strike: "for a license to be issued under the authority of K.S.A. 48-1607"
- 720 Add: a comma between the words "storage treatment"
- 827 Delete: "Knowingly generate, store, treatment, transport, dispose of or"
- 828 Delete: "otherwise handle any hazardous waste, or"
- 907 Add: After the word "thereto" the following: "have been otherwise violated"
- 914 Add: "facility" after the word "thereof"
- 916 Strike: "a"

917 Add: a "s" to the word "procedure" so it is plural  
procedures"

984 Strike: "a"  
Delete: the brackets around the word "the" and underline  
word "the"

1002 Add: "generator, transporter" after the words "directing  
the"

1003 Strike: "generator, transporter,"