

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

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

8:00 a.m./~~p.m.~~ on Wednesday, February 1, 1984 in room 123-S of the Capitol.

All members were present except:

Senator Richard Gannon (Excused)

Senator Ed Roitz (Excused)

Committee staff present:

Raney Gilliland, Research Department

Don Hayward, Revisor's Office

LaVonne Mumert, Secretary to the Committee

Conferees appearing before the committee:

Clark Duffy, Kansas Water Office

Barbara Sabol, Secretary, Kansas Department of Health and Environment

Donald Carlson, Kansas Department of Health and Environment

Senator Werts moved that the minutes of the January 31, 1984 meeting be approved. Senator Gordon seconded the motion, and the motion carried.

S.B. 556 - State water plan storage act amendments

Clark Duffy told the Committee that S.B. 556 should also include sections relating to the method of computing penalties to conform to the method of computing interest as set out in the bill. Senator Werts moved the S.B. 556 be so amended. Vice-Chairman Kerr seconded the motion, and the motion carried. Senator Werts moved that the word "notice" be added to line 174 after the word "days" and before the comma. Vice-Chairman Kerr seconded the motion, and the motion carried. Senator Werts moved that S.B. 556 be recommended favorable, as amended, for passage. Senator Chaney seconded the motion, and the motion carried 7-0.

S.B. 562 - Water supply and sewage; definitions

Barbara Sabol read her written testimony (Attachment 1). She said the purpose of S.B. 562 is to bring Kansas into conformance with federal regulations to allow the state to be responsible for the administration of the pretreatment program in lieu of the Environment Protection Agency (EPA). The objective of the pretreatment program is to prevent the introduction of industrial pollutants into municipal wastewater treatment plants. Ms. Sabol said the advantages of Kansas administering the program would be a closer coordination of protection of ground and surface waters, proper disposal of both solid and hazardous waste material and assuring adequate wastewater treatment is being provided by municipalities. If Kansas does not administer this program, EPA will do so and Kansas could possibly lose federal funds. Senator Kerr asked about a fee structure connected with this program. Ms. Sabol answered that the program will involve a fee structure. She also said that the statutes already provide that the Secretary can issue permits. She told the Committee that the program is funded with approximately \$883,000 of federal monies and about \$385,000 of state general fund monies.

Donald Carlson answered questions from Senator Chaney and Senator Feleciano. He said that one of the purposes of the program is to enhance the possible reuse and recycling of wastewater for such things as agricultural use. Mr. Carlson advised that part of EPA's objective is to have basic nationwide standards to prevent industries from "environmental shopping". He noted that this program can also be a mechanism for cities to take a hard environmental stance with industries in cases where they may have been reluctant to do so.

The meeting was adjourned at 8:29 a.m. The next meeting of the Committee will be at 8:00 a.m. on February 2, 1984.

Senate Energy & Natural Resources

Feb. 1, 1984

Name

Organization

Chip Wheelan

Ks Legis. Policy Group

CR Duffin

Kansas Water Office

Ed Reinert

Ks League Women Voters

PAT SCHAFFER

BUDGET

Donald Carlson

Ks. Dept. Health & Environment

Dean Lamm

Wichita

DAVID FUZNAS

Wichita Chamber of Commerce

CHARLES BELT

WICHITA CHAMBER OF COMMERCE

John Campbell

HTSIA-4

David R. Hays

DWR USBA

Richard E. Rolp

DWR - KSBA

KANSAS STATE DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on S.B. 562

by

Barbara J. Sabol, Secretary

Before The

Senate Energy and Natural Resources Committee

February 1, 1984

Mr. Chairman, members of the Committee: I am pleased to be able to discuss with you today S.B. 562 which amends K.S.A. 65-161, 65-165, 65-167.

On June 26, 1978, the U.S. Environmental Protection Agency promulgated the General Pretreatment regulations (40 CFR 403). These regulations govern the introduction of industrial wastes into publicly owned treatment works, commonly referred to as municipal wastewater treatment plants. The objective of the regulations are to prevent the introduction of industrial pollutants into municipal wastewater treatment plants which would:

1. Interfere with the plant operations and/or disposal of municipal sludges.
2. Pass through the plant in unacceptable amounts to receiving waters or into wastewater treatment plant sludges.
3. Reduce the feasibility of recycling and reclaiming municipal and industrial wastewaters and sludges.

In 1974, the Kansas Department of Health and Environment assumed responsibility for administering the Federal Water Pollution Control Program in the State of Kansas in lieu of the U.S. Environmental Protection Agency. Assumption of this responsibility was consolidated into the existing water pollution control activities being administered by the Department. The EPA general pretreatment regulations promulgated June 26, 1978, mandate that states administering the Federal Water Pollution Control program in lieu of EPA shall also be responsible for developing and implementing a statewide pretreatment program. The amendments to the three previously referenced statutes are to address legislative changes required to assume the pretreatment program responsibilities mandated by the U.S. Environmental Protection Agency.

The assumption of statewide pretreatment program responsibility, in lieu of EPA, will allow the Department to more closely coordinate a multi-faceted discipline relating to the protection of ground and surface waters, proper disposal of both solid and hazardous waste material, and assure adequate wastewater treatment is being provided by municipalities to protect the environment and public health. Assumption of the pretreatment program responsibilities will also enable Kansas industries and municipalities to continue to work with one governmental agency in addressing both health and environmental concerns. Our Department will be able to more closely coordinate environmental program activities to ensure established state policies and goals are being carried out in a logical, timely, and coordinated manner.

Atch. 1

Our Department is currently working with approximately 21 municipalities which have tentatively been identified as candidates for having to develop formal pretreatment programs to be implemented at the local level. Our Department has been providing technical assistance in the development and review of information by the 21 municipalities to determine if formal pretreatment programs are required. To date, our Department has certified and requested approval by EPA of seven (7) municipal programs. We are currently providing intensive technical assistance to four other municipalities which have been identified as being required to develop a formal program. The eleven remaining cities, we believe, will not be required to develop a formal pretreatment program but need to upgrade their local sewer use ordinances and regulations to ensure industries do not introduce toxic or hazardous materials into their sewer systems which may pass directly into the environment or cause operational problems. Adoption of the requested amendments will enable the U.S. Environmental Protection Agency to transfer authority for the administration of the pretreatment program to the Kansas Department of Health and Environment.

Failure to adopt these amendments will result in the Environmental Protection Agency assuming program authority in Kansas and result in municipalities and industries having to deal directly with EPA. EPA could also withhold a portion of the allotted federal funds awarded Kansas for administering the Federal Water Pollution Control Program. In lieu of withholding program funds, EPA could opt to revoke the Department's National Pollutant Discharge Elimination System (NPDES) program delegation resulting in municipalities and industries having to deal with those State and Federal water pollution control agencies.