

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./~~pm~~ on Friday, March 2, 1984 in room 123-S of the Capitol.

All members were present except:

Senator Paul Hess, Senator Tom Rehorn, Senator Ed Roitz (Excused) and Senator Ben Vidricksen

Committee staff present:

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

Conferees appearing before the committee:

John D. Philbrick, Wichita
Richard Bidga, Tulsa, Oklahoma
Dennis Murphey, Kansas Department of Health and Environment

Senator Gordon moved that the minutes of the March 1, 1984 meeting be approved. Senator Chaney seconded the motion, and the motion carried.

S.B. 779 - Hazardous waste, oil burning prohibitions

John Philbrick read his written statement (Attachment 1). He said the purpose of the legislation is to prevent oil containing dangerous levels of toxicity from being disposed of through incineration. He talked about the problem of toxic waste being comingled with waste oil.

Richard Bigda told the Committee that the Environmental Protection Agency has just recently issued a "Notice of Potential Risk" (Attachment 2) concerning motor oil. He said there are toxicants in waste oil. Senator Gannon asked if the bill could prohibit a farmer from burning his engine oil in his shop without a permit. Mr. Bigda answered that was true, but said the bill was directed towards industrial users.

Dennis Murphey summarized his written testimony (Attachment 3). He said that used oil is currently regulated by solid waste statutes rather than hazardous waste statutes. He advised that the disposal of hazardous waste by incineration is presently regulated by permits.

S.B. 540 - Extension of Kansas Natural Gas Price Control Act

Senator Feleciano moved that the bill be reported favorably for passage. Senator Chaney seconded the motion. After discussion, Senator Werts made a substitute motion that the bill be amended by inserting the word "gas" after the word "natural" on line 40. Vice-Chairman Kerr seconded the motion, and the motion carried. Senator Feleciano renewed his original motion, and the motion carried 4-2.

The meeting was adjourned at 8:46 a.m. by the Chairman. The next meeting of the Committee will be at 8:00 a.m. on Tuesday, March 13, 1984.

Senate Energy & Natural Resources

Mar. 2, 1984

<u>Name</u>		<u>Organization</u>
TREVA POTTER	TOPEKA	NORTHERN NATURAL GAS
Russ Bishop	Kansas City	Panhandle Eastern Pipeline
Bill Bryson	Topeka	KDHE
Dennis Murphy	Topeka	KDHE
Richard Bishop	Tulsa	Chemical Engineers
John Mulbreck	Wichita	Midland Ref.
C. A. Martin	Wichita	Midland Ref. & Petrochem
George A. Simic	Hugoton	Mobil
Joe Hodges	Tulsa	Cities Service Corp. & Gas
Robert C. Anderson	Ottawa	Mid Cont. Oil Corp.
Glenn Cogswell	Topeka	Northwest Central Pipeline

Testimony - Senate Bill 779Presented by:

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Presented to:

Kansas State Senate
Energy and Natural Resources Comm.
Topeka, Kansas
March 2, 1984

Purpose of the proposed legislation:

To control the burning or incineration of used oil that does not meet specific standards.

Source of the proposed legislation:

The standards set forth in Senate Bill 799 was taken from the State of Illinois Senate Bill 757 which was passed in 1983. Numerous other states have passed similar standards in the past few years.

Need for the proposed legislation:

Used oil is an ideal vehicle for the disposal of toxic wastes since it mixes well and is difficult for the untrained observer to detect. The U. S. Department of Energy has determined that oil contaminated by toxic substances can be disposed of by three methods. These are:

1. Sewer disposal - With this method the toxic material could eventually end up in the ground water.
2. Road Oiling - This used to be one of the favorite methods until the recent Dioxin cases across the country.
3. Combustion as a fuel - This is the area that is addressed by this legislation.

There has been many cases of water contamination in the past and Kansas has answered these problems with regulations in this area that seem to be quite effective, thereby eliminating the first of the three disposal methods.

I am sure that everyone is aware of the highly publicized Dioxin contamination in the state of Missouri due to comingling waste oil with Dioxin elements which were a byproduct of other processes. This has created tremendous problems for our neighboring State of Missouri and other states throughout the nation. Here again Kansas has responded with existing regulations and/or proposed regulations to prevent the use of the second method of disposal, Road Oiling.

As controls are enforced for the first two methods of disposal, logic would tell you that unscrupulous operators will turn to the burning of contaminated oil as an inexpensive method of disposing of toxic wastes regardless

Atch. 1

of any adverse effect of the health of our fellow Kansans.

It is well known in the used oil industry that waste oil is becoming the vehicle for disposal of very dangerous, highly toxic, hazardous wastes. This can be done by the producer of the toxic waste comingling it with his waste oil and not informing the company or individual that purchases the waste oil for use as a fuel, thereby creating a public health hazard. Another method for disposal of toxic waste is for the purchaser of used oil to contract with the producer of the used oil to also dispose of this toxic waste or perhaps contract with an entirely different industry to dispose of their toxic wastes, and then comingling the waste oil, the toxic waste, and possibly some virgin oil for sale to companies or individuals that burn oil in their heating plants. This is what occurred on an episode of the news program 20/20 last fall. Some of you might have seen it, 20/20 had hidden cameras following a purchaser of used oil, showing him picking up the used oil in one location, toxic waste in another, comingling the two and then delivering the contaminated oil to a large apartment complex for use as heating fuel. The news crew then interviewed residents of the apartment, who said they were getting headaches, nausea, and other side effects but they never suspected the source of their problem was contaminated oil. This particular case was undoubtedly solved by all the publicity given it but the opportunity exists right in this state for similar situations and we cannot depend on the news media to correct them.

We can see that the end user who burns the oil and contaminates the air with emissions, that can have terrible effects on the health of the public at large, may be ignorant of any danger, because the oil was not sold to him as being contaminated.

At the present time Kansas does not have any controls in place to set standards for the quality of oil that is burned throughout the State. This is a very real problem at this time and will undoubtedly increase as the State becomes more industrialized and/or existing facilities switch to burning used oil rather than more expensive fuel.

This legislation would prevent oil that has dangerous levels of toxicity from being disposed of through incineration. By requiring that any oil that is incinerated meet the standards set by virgin oil or recycled oil you would guarantee that these toxic contaminants would be removed prior to incineration. This would close the circle on preventing the comingling of hazardous toxic substances with used oil, as a method of disposal, and it is something that needs to be done now.



Notice of Potential Risk

Used Motor Oil

Chemical Advisory

Service station workers, engine mechanics and any other workers who handle motor oil are advised to minimize skin contact with used oil, and promptly remove any used oil from their skin.

In a laboratory study, mice developed skin cancer after their skin was exposed to used motor oil twice a week without being washed off, for most of their life span. While this one study is not conclusive, substances found to cause cancer in laboratory animals may also cause cancer in humans.

Recommendations

DO's

- DO follow work practices that minimize the amount of skin exposed, and the length of time used oil stays on skin.
- DO thoroughly wash used oil off skin as soon as possible with soap and water. A waterless hand cleaner can be used when soap and water are not available. Always apply skin cream after using waterless hand cleaner.
- DO wash oil-soaked clothing before wearing it again. Discard oil-soaked shoes.
- DO use gloves made from nitrile, Neoprene®, Viton® or other material that oil cannot penetrate, if this is practical for your kind of work.

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DONT's

- DON'T use kerosene, thinners or solvents to remove used motor oil. They remove the skin's natural protective oils, and can cause dryness, irritation, and possibly more serious toxic effects.
- DON'T over-use waterless hand cleaners, soaps or detergents. They can remove the skin's protective barrier oils.
- DON'T put oily rags in pockets, or tuck them under a belt: this can cause continuous skin contact.
- DON'T pour used engine oil on the ground, or down drains and sewers; it is a violation of Federal Law.* EPA encourages collection of used motor oil at collection points in compliance with appropriate state and local ordinances.

*Chapter 40 Code of Federal Regulations Section 110.

For Further Information

Call Toll Free: 800-424-9065; Washington, DC: (554-1404); Outside USA: (Operator-202-554-1404); Jack P. McCarthy, Director, TSCA Assistance Office, Office of Toxic Substances, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

ABOUT EPA ADVISORIES: The EPA uses Advisories to share information it has about chemicals. An Advisory is written to give individuals or organizations information they can use to make decisions about how to safely use chemicals or to answer other questions about safety that they may encounter. Advisories are distributed directly to the persons who can take action to reduce the risk.

"Chemical" Advisories

Chemical Advisories discuss toxic effects of chemicals of concern, routes of exposure, and alternative methods of reducing risks. They are written by EPA's Office of Toxic Substances after consultation with interested parties which could include companies, public interest groups, or other agencies. They are designed to be used where an increased awareness of potential risk is likely to lead to meaningful precautions, and are addressed and distributed to individuals or organizations for whom the information is most useful. Chemical Advisories are intended to encourage voluntary risk-reduction actions by individuals or organizations in instances where regulatory control is not appropriate or as interim measures while regulatory action is pursued.

"Health" Advisories

In the absence of a formal drinking water standard for an identified drinking water contaminant, the Office of Drinking Water at EPA has developed Health Advisories which are nonregulatory scientific information digests on the health effects, chemical analysis and treatment of inadvertent chemical contamination of drinking water. Health Advisories are not legally enforceable standards. Health Advisories suggest concentrations of a contaminant in drinking water at which adverse health effects would not be anticipated, with a margin of safety, for 1-day, 10-day and longer term exposure periods (from a few months to 1-2 years). In addition, they include information from quantitative calculations of carcinogenic risk that may result from lifetime exposures.

Health Advisories are offered as advice to assist Regional, State, and local public health officials and water treatment personnel in handling transient exposure situations such as spills and accidents. Public health officials are provided rapid access to a digest of useful information and suggestions, relative to risks of exposure to certain contaminants. The data, assumptions and calculations are detailed in the Health Advisories so that professional judgment may be exercised by the public health officials for case-by-case applications.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON SB 779

PRESENTED March 2, 1984 by Dennis Murphey

BACKGROUND

Currently, the Kansas Department of Health and Environment (KDHE) regulates and permits the air emissions from all incinerators, boilers, furnaces or other equipment which have the potential to emit ten tons or more of pollutants per year. These standards apply whether the facility is burning a "waste" or other fuel. In addition, if the facility proposes to burn "hazardous waste" as defined by K.S.A. 65-3431 and K.A.R. 28-31-3, a hazardous waste incinerator permit is also required unless a legitimate beneficial reuse of the "hazardous waste" is being conducted.

Under current Kansas statutes and regulations used oil is not defined as a hazardous waste. Only if the used oil meets the characteristics of a "hazardous waste" as defined by K.A.R. 28-31-3 and if the material is not being beneficially reused or recycled does the material become subject to hazardous waste regulation. Since almost all used oils are currently reused or recycled in some manner, very little of this waste is being regulated under the hazardous waste statutes or regulations.

Used oil is now regulated by the state solid waste statutes, K.S.A. 65-3401 et seq, and specifically by K.A.R. 28-29-26. This regulation defines the term "used oil" and describes prohibited acts of disposal. The disposal of used oil by discharge into sewers, storm drainage systems, surface or groundwaters or by deposit on or under land prohibited. The use of used oil as a pesticide carrier, sealant, coating or dust control agent for roads, parking lots, or any other similar purpose also is prohibited. All used oil collectors and storage facilities where used oil is accumulated

are also required to meet specific standards.

ISSUES/CONCERNS

In Section 2, New Item 7 (Lines 199 to 202), the new language requires a hazardous waste permit for the burning or incineration of "waste". The definition of waste as defined by K.S.A. 65-3430(x) includes all discarded materials resulting from industrial, commercial, mining, and agricultural activities. As such, the term does not distinguish between "hazardous waste" or "nonhazardous solid waste". Since separate legislation and regulations exist for solid waste, this provision as currently written, again combines the issue of solid waste and hazardous waste within one statute. The Legislature in 1981 agreed that solid waste and hazardous waste should be separated through statutory and regulatory means.

In Section 2, New Item 8 (lines 203 through 212) raises some additional concerns. First, within K.S.A. 65-3430 used oil is not defined as hazardous waste and, therefore, it is not subject to this act. We believe the provisions to regulate the incineration of used oil should not be included within the hazardous waste statutes.

Another concern is the absence of a size limitation upon the equipment used to burn oil - this bill would require any private residence or small business (such as greenhouses) who may burn waste oil to obtain a permit from KDHE for such activities regardless of how small or inconsequential they may be.

RECOMMENDATIONS

If additional regulation for the burning of oil is desired, it would be better located within the solid waste statutes which currently contain the existing regulatory provisions for used oil.

If the intent is to provide additional regulation of the burning or incineration of hazardous waste, then on line 199 the word "hazardous" should

be placed before the word "waste". Also, on Line 204 the words "which are defined as hazardous waste" should be placed after the words "used oil". However, it should be noted that the disposal of hazardous waste by incineration is presently regulated by permits.