

Approved 2-19-85  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by SENATOR MERRILL WERTS at  
Chairperson

8:00 a.m./~~p.m.~~ on FEBRUARY 13, 1985 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Ramon Powers - Research Department  
Don Hayward - Revisor's Office  
Nancy Jones - Committee Secretary

Conferees appearing before the committee:

Barbara Sabol, Secretary, Department of Health & Environment  
Ed Reinert, League of Women Voters  
David Harrison, Technical Manager, Vulcan Materials Co.

SB 120 - Concerning hazardous waste; relating to the permitting and regulation of underground injection wells.

Secretary Sabol summarized written testimony in support of the bill. The Department asks consideration of three suggestions: By definition, an underground injection well is a hazardous waste facility, so to use both terms is redundant and could be confusing; On line 176, it is recommended the monitoring fee for disposal facilities be increased from \$10,000 to \$25,000; and the proposed language on lines 281 to 286 should be stricken and replaced by the language suggested in Attachment A.

Senator Hayden asked what is the degree of safety between the two types of disposal, mound landfill and injection well, and Secretary Sabol replied the Department would likely prohibit the implacement of liquid waste in a mound landfill although mound landfill does perhaps allow a higher degree of monitoring. The Department would review carefully the desirability of a granite wash geologic zone for injection well disposal. Secretary Sabol also stated there are no employees of the department assigned permanently to any particular site as monitoring is done through the six field offices. Clarification was made that a permit fee for a well will be \$25,000 and the monitoring fee for all disposal facilities will be increased to \$25,000.

Ed Reinert testified in support of the bill with the opinion of the League Of Women Voters being that injection of hazardous waste into wells should be phased out and this bill does provide strict regulation of hazardous waste disposal.

David Harrison, reported that his company operates five injection wells, although he is not certain that the waste being injected into all wells is hazardous, and clarification is needed for companies such as theirs. Secretary Sabol responded that it has been set out by definition what is or is not hazardous and the Department can work with Mr. Harrison's company to determine if waste going into each of their wells would fall into the hazardous category.

No opponents to SB 120 appeared.

Senator Feleciano made the conceptional motion that SB 120 be amended as recommended by Secretary Sabol. Senator Langworthy seconded the motion, and the motion carried.

Senator Feleciano moved that SB 120, as amended, be recommended favorably for passage. Senator Vidricksen seconded the motion and the motion carried.

The meeting was adjourned at 9:00 a.m. The next meeting will be on February 14, 1985.

2-13-85

# Guest List

Dennis Murphy	KDHE
Ed Reinert	Ks League Women Voters
Don Schnacke	KIOGA
WALTER DUNN	EKUGA
David Harrison	Vulcan Materials Co - Wichita
Bill Bryson	KDHE
D J SABOL	"
Mary Ann Bumgarner	Jch. Burka - Intern
Rob Hodge	KCCI
Brenda Stockman	Intern Sun/Wint
ROSS MARTIN	Ks Petroleum Council
Charles V. Hamm	K. D. H+E
Chp Wheeler	Waste Mgmt, Inc.
Allan Abramson	KDHE
Masha Marshall	KNRC
Nancy Ingers	Budget
Henry BOATEN	ATSY.

2-13-85

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON S.B. 120

PRESENTED TO Senate Energy and Natural Resources Committee, February 1985

This is the official position taken by the Kansas Department of Health and Environment on S.B. 120

BACKGROUND INFORMATION:

Mr. Chairman, members of the Committee: On June 7, 1984, I announced the formation of a task force to review deep well injection of hazardous wastes and develop, if necessary, new hazardous waste injection well policies. The formation of the task force was initiated at the request of Governor Carlin, who indicated that he was interested in having a task force study the issue of deep well injection of hazardous wastes as a separate issue from his legislative initiative last year, for a prohibition of land burial of hazardous waste.

In forming the Hazardous Waste Injection Well Task Force, I charged the task force with four duties: (1) to determine the appropriateness of prohibition of liquid hazardous waste injection; (2) to determine if injection to certain geologic formations would be environmentally acceptable; (3) to review existing requirements and develop new criteria, if necessary, by which future applications for hazardous waste injection may be judged; and (4) to develop a document outlining findings of the task force and recommendations on statutory, regulatory, and/or policy changes.

Thirteen different governmental, industrial and public organizations were represented on the task force. I feel the mix of representation provided the basis for a thorough consideration of the issues involved with hazardous waste injection wells.

My testimony of January 15, to you contained as an attachment the adopted version of their recommendations. Of all the recommendations only four require additional statutory authority. The first recommendation of the task force states that, "A hazardous waste injection well may be permitted only if it is deemed the most reasonable method after consideration of all other options. Factors to be considered in determining the most reasonable method may include, but are not limited to, health and environmental effects, alternate treatment and disposal technologies, potential for reuse, and economic impacts." It is this policy recommendation that seems to set the stage for all the others, in that it does not recommend a total prohibition of the use of injection wells for hazardous waste disposal, but clearly states that such technology should only be allowed after all other options have been considered, and then outlines the factors that may be considered in determining the most reasonable method.

S. ENR 2/13/85  
Attachment A

The second recommendation of the task force identifies that prior to injection, the fluids must meet minimum pretreatment requirements that are set by the Secretary. The basis for my adoption of this recommendation, and I am sure that basis by which the task force recommended it, is to provide a margin of safety for a disposal technology which places the waste in a location which would make it very difficult to retrieve or reverse the process should something go wrong. The implications of permanence associated with this disposal option are more prominent than with other disposal options.

The task force also proposed the establishment of an initial application fee of \$25,000, and in the case of an already permitted facility submitting an application for the construction and operation of an additional well on the permitted site, the permit fee would not exceed \$10,000. I have adopted this recommendation as a means of defraying the estimated average costs to the department in staff time and expenses for review of a hazardous waste injection well application under the two circumstances of: a new well; and an additional well at an already existing facility.

The last task force recommendation I want to highlight concerns the establishment of monitoring fees. As I have adopted the task force's recommendation, an annual monitoring fee would be increased from a quantity not to exceed \$10,000 annually to a quantity not to exceed \$25,000 annually. As indicated in the recommendation, the higher amount is intended to provide for on-site witnessing of injection well operations, if determined appropriate by the Secretary. The actual amount of the fee is also proposed to be determined by the Secretary. The basis for determination of the actual amount of the fee would be based on the estimated costs for defraying the costs to the department for providing oversight of the injection well operations. I not only feel it is important to provide the opportunity for on-site witnessing but also provide for the funding to provide this service.

In its report to the Legislative Coordinating Council the Special Committee on Energy and Natural Resources commended the Hazardous Waste Injection Well Task Force for its efforts in reviewing the issue of deep well injection. The task force did an outstanding job and the department is also very appreciative of their efforts.

#### STRENGTHS:

1. Provides clear direction to the department and the regulated community for management of hazardous waste by deep well injection.
2. Encourages development of alternatives to underground injection of hazardous waste.
3. Provides long term protection of the public health and environment by assuring secure management of hazardous waste.
4. Provides compensation to the state of Kansas for its expenses in reviewing permit applications for hazardous waste injection wells.
5. Provides compensation to the state of Kansas for its expenses in monitoring each facility.

WEAKNESSES:

None

DEPARTMENT'S POSITION:

The department believes that S.B. 120 addresses a critical issue confronting Kansas. We have a few suggestions for which we ask your consideration:

1. Since the definition of a "hazardous waste disposal facility" (K.S.A. 65-3430(g)) includes underground injection wells, it is not necessary to include the additional language "or underground injection wells" everywhere "disposal facility" is stated. If the words "or underground injection wells" are not removed from the bill, we will have a number of other hazardous waste statutes that refer to only "hazardous waste disposal facility". This would lead to the opinion that hazardous waste injection wells are regulated only where that wording is found in addition to the term "hazardous waste disposal facility."

2. On line 176 we recommend that the monitoring fee for disposal facilities also be increased from \$10,000 to \$25,000. In this way a hazardous waste landfill would be subject to the same maximum fee as an underground injection well.

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3. The proposed language on lines 281 to 286 should be stricken and replaced with the following which was recommended by the task force:

*what goes total*

*What about  
relativ  
of safety  
between  
Mound &  
Underground*

"For initial review of an application for a hazardous waste underground injection well, the applicant shall submit an application fee of \$25,000 with the permit application. In cases of a permitted facility submitting an application for the construction and operation of an additional well on the permitted site, the permit fee shall not exceed \$10,000. For renewal of a hazardous waste underground injection well permit, the permit holder shall submit a permit renewal fee not to exceed \$10,000, the amount of which shall be determined by the Secretary."

The intent of the task force was to provide a lower application fee for an additional well at the same facility (since the geology and other site specific information would be identical to the earlier application), not to provide a lower fee for a well at any hazardous waste disposal facility.

With the incorporation of the above changes, the department strongly supports approval of S.B. 120.

Presented by: Barbara J. Sabol, Secretary  
Kansas Department of Health  
and Environment