

Approved March 5, 1986
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Ron Fox at
Chairperson

3:30 ~~xxx~~ a.m./p.m. on February 26, 1986 in room 526-S of the Capitol.

All members were present except:

All members present

Committee staff present:

Ramon Powers, Legislative Research Department
Theresa Kiernan, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Representative David Heinemann
Dennis Murphy, Director, Bureau of Waste Management,
Kansas Department of Health and Environment
Malcolm Moore, Kansas Chapter, Sierra Club
Representative Clinton Acheson
Jim Davidson, Shawnee County Counsellor

House Bill 2850--Clean-up program for small quantities of hazardous waste.

Representative Heinemann, a sponsor, said that this bill deals with what has often been referred to as the "Amnesty Days Program" like the state of Florida has. It gets the state involved in dealing with the problem of hazardous waste that homeowners, farmers, schools, state agencies, and small businesses have. He requested a change in the bill, adding language such as "and also to educate the public of the hazards posed by the waste and to encourage governmental units to develop local hazardous waste collection programs either individually or jointly". The Secretary of the Department of Health and Environment is authorized to establish a hazardous waste collection program. The bill would allow the state to set up the program which would basically be a pilot-type project during the first years. The bill provides that the Secretary is to contract a bonded waste handling company, which is where the cost is basically incurred.

Dennis Murphy represented the Department of Health and Environment with testimony in favor of this bill. He gave background of the need for this legislation and described how it would be carried out. (See Attachment 1) Asked about a fiscal note on the bill, Mr. Murphy said the best estimate was approximately \$150,000. During committee discussion, it was emphasized that this was intended to be strictly a voluntary program. The legislation only allows for setting up a collection program and regulations connected to the collection. It was suggested that the words "safe and voluntary" might be added in the bill.

Malcolm Moore spoke in support of the bill on behalf of the Sierra Club. He cited the risks of improper disposal of hazardous waste and the threat to groundwater in particular. His organization was hoping that state financial support would continue past the initial period to establish a long term solution for household and small waste generators. He listed other groups in support of this legislation, such as Kansas Natural Resource Council and Kansans for Safe Pest Control. (See Attachment 2)

House Bill 2782--Posting of park or recreational area regulations.

Representative Acheson, sponsor, said that this legislation was requested by the Shawnee County Park Department and had been endorsed by all members of the Shawnee County Delegation. He called attention to an error in drafting of the bill which needed to be amended. Representative Acheson explained that current law requires the Lake Shawnee Park area to post

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 26, 1986

rules and regulations at all entrances to the park, of which there are 28. Vandalism causes these rules to be replaced on an average of every three years at a cost of about \$6,000 or approximately \$2,000 per year. The request is to maintain these rules and regulations in the court house and in the superintendent's office at the park, so they would be available. Representative Acheson passed out copies of an amendment and suggested that in line 37, a period should be put after "weeks" and the remainder of section 1 stricken. (See Attachment 3)

Jim Davidson, Shawnee County Counselor, said that he had requested this bill on behalf of the Shawnee County Park Department, but it would be effective for all 105 counties in Kansas. He noted that the reason for the bill was to achieve some cost savings for the county by deleting the notice posting requirement in KSA 192803a. He pointed out that this would be similar to a city's park and the type of notice required to be posted there--zero--and cited KSA 121304. Staff noted that before the amendment, posting of the rules and regulations were required at all entrances to the park, while the amendment would require that a notice be posted telling where a copy of the rules and regulations were available. More discussion followed.

Following completion of hearings, Representative Patterson noted that hearings had been held but no action taken on a number of bills in committee. He moved that the following House bills be reported adversely: 2041, 2100, 2176, 2217, 2236, 2256, 2277, 2306, 2331, 2382, 2386, 2648, 2651, 2652, 2654, and 2835. Representative Roe seconded, and the motion carried.

Turning to HCR 5042--Urging the Congress of the United States to further address the water depletion problem in the 1985 Farm Bill.

Representative Shore moved, seconded by Representative Guldner, that it be reported favorably. The motion carried.

Moving to HB 2872--Watershed district; power of eminent domain.

Representative Mollenkamp moved, seconded by Representative Guldner, to strike the language on line 0067 to line 0071 and insert the language that, "after five years, the project be reviewed for changes and feasibility and another public hearing be held on the project." During discussion, it was clarified that the project was to be reviewed and reapproved after five years. A vote was taken and the motion carried. Representative Guldner moved, seconded by Representative Acheson to report House Bill 2872 favorably as amended. The motion carried.

HB 2865--Hunting licenses and permits for big game animals.

Representative Patrick made a motion, seconded by Representative Acheson, to amend the effective date to January 1, 1987. Motion carried. Representative Spaniol moved, seconded by Representative Mollenkamp, to amend line 139, changing the age requirement from 16 back to 14, as it is under current law. Representative Ott noted that Representative Moomaw's intent was to restore the language in lines 140-144 as it was before, to age 14 for an archery permit and 16 for a rifle permit. A vote was taken and the motion carried. A motion was made by Representative Guldner, seconded by Representative Shore, to pass out House Bill 2865 favorably as amended. The motion carried.

HB 2977--Fish and game; use of steel shot.

Representative Spaniol moved, seconded by Representative Shore, that House Bill 2977 be reported favorably. Considerable discussion followed. In closing, Representative Spaniol clarified that he believed Representative Friedeman's bill was needed because he felt that mandating the use of steel shot on private land in all areas of the county was unfair. A voice vote was indecisive; by show of hands, 10 were in favor and 10 opposed. The motion lost.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~a.m.~~/p.m. on February 26, 1986

HB 2850--Clean-up program for small quantities of hazardous waste.

Representative Patrick moved, seconded by Representative Ott, to amend line 56 by adding, "the Secretary shall adopt any rules and regulations necessary to carry out the provisions of this act to establish a hazardous waste collection program." The purpose of this amendment was to clarify that the program is purely voluntary and the rules and regulations apply only to the program, not to the people who turn in the waste. Discussion followed. A vote was taken and the motion carried.

Representative Grotewiel said that he would support a pilot program with a sunset provision of possibly two years. Discussion on length of sunset followed. Representative Patrick made a motion for a one year sunset with a report back by the Secretary. Representative Sutter seconded. The motion carried. Representative Grotewiel moved that the bill be reported favorably as amended. Representative Sutter seconded. The motion carried.

The meeting was adjourned at 4:35 p.m.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON H.B. 2850

PRESENTED TO Energy and Natural Resources Committee

This is the official position taken by the Kansas Department of Health and Environment on HB 2850.

BACKGROUND INFORMATION:

The proper handling and disposal of hazardous waste has been a topical issue in Kansas and the nation for the last several years. The primary focus, however, has been on hazardous waste generated by industry. The 1984 Kansas Legislature took a significant step towards resolving the potential problems caused by smaller quantities of hazardous waste by amending the Kansas Hazardous Waste Management Act to reduce the monthly exemption limit - the quantity of hazardous waste a facility can generate per month yet remain exempt from regulation - from 100 kilograms per month to 25 kilograms per month over a three year period.

The potential harm from the disposal of small quantities of hazardous waste generated by homeowners, farmers, government agencies, and small businesses has not been previously addressed. The small quantity hazardous waste collection program will serve this purpose. The need for such a program is borne out by the frequent requests for guidance and assistance that the department receives from citizens regarding safe disposal of such materials. The department has also received numerous inquiries from local officials and environmental groups supporting such a program and desiring to assist the department in implementing such a program in their communities.

DISCUSSION:

Many chemicals routinely used in households, schools, small businesses and on farms may present a safety hazard as well as an environmental problem if disposed of improperly or even if disposed of at a sanitary landfill. Solid waste collection personnel and personnel working at sanitary landfills may be exposed to injury from direct contact with small quantities of pesticides, acids and ignitable wastes when containers break or are crushed at the landfill by compaction equipment. These same wastes also create the potential for surface water and groundwater contamination if they escape from sanitary landfills or if they are disposed of improperly. The proper disposal of such small quantities of hazardous waste is hampered by lack of knowledge regarding which chemicals pose problems and how to properly dispose of these chemicals. The high cost of hazardous waste disposal also discourages the use of appropriate disposal methods.

Attachment 1

House Energy and Natural Resources 2/26/86

A pilot small quantity hazardous waste collection program could benefit the state of Kansas in several ways:

1. Educate homeowners, farmers and small businessmen regarding the hazard presented by certain chemicals; identify alternative chemicals which serve the same function but pose a lesser degree of hazard; and identify proper disposal methods for such chemicals. The program would also serve to expand public awareness of hazardous waste issues in general.
2. Provide information on public acceptance, cost and the utility of small quantity collection programs in order to encourage local governments and other entities to initiate collection programs of their own.
3. Develop an information base to assist in determining the need for a long-term management of such small quantities of hazardous waste.
4. Involve local governments in the hazardous waste management process.
5. Purge individual households of a many-years accumulation of hazardous chemicals, which could find their way into the environment if disposed of illegally or at sanitary landfills.
6. Provide the opportunity for Kansas' generators - those facilities generating between 50 and 1,000 kilograms per month - the opportunity to dispose of accumulated hazardous wastes at a reduced rate and to make contact with commercial disposal facilities in order to facilitate future disposals.

IMPLEMENTATION:

The department would propose to conduct a pilot collection program in three parts.

The first portion of the program would be the development and distribution of educational materials. The department would also widely publicize the program with a broad-based media campaign.

The second portion of the proposed program would be to set up collection stations in two Kansas cities - one large and one small - to receive wastes from homeowners, farmers, government agencies, and small businesses. The collection stations would be set up by a hazardous waste contractor working under contract to the department. Department personnel would be on site daily to oversee the contractor and to screen wastes received to ensure that non-hazardous materials are sorted out in order to minimize disposal costs.

The third component of the program would allow Kansas generators, those facilities generating greater than 50 kilograms of hazardous waste per month but less than 1,000 kilograms, to dispose of their accumulated hazardous waste at a reduced charge. Such individuals could make arrangements for the proper transportation and disposal of their wastes at the collection stations.

After completion of all three components of the collection program, the department would prepare a report for the legislature summarizing the number of persons participating in the program, the amount of materials collected and disposed, and the total cost of the program.

DEPARTMENT'S POSITION:

The department recommends passage of the bill.

ENERGY AND NATURAL RESOURCES COMMITTEE

February 24, 1986

Toxic and hazardous substances are everywhere in our environment. "The entire population, and indeed the world, carries some body burden of one or several" toxic substances, according to the Library of Congress.

More than 60,000 chemicals are in general commercial use and more than 1,000 new chemicals are developed annually. Yet only a few hundred of these chemicals are tested each year to determine whether they may be carcinogenic (cancer causing), mutagenic (causing genetic damage to the cells), teratogenic (causing damage to the developing fetus) or may result in other long-term adverse health effects.

Everyone is at risk from improper disposal of the estimated 66 to 68 million pounds of hazardous waste generated each year in the U.S. In the U.S. there are 32,000 to 50,000 sites where such waste has been disposed; at least 2,000 pose significant environmental/health dangers and warrant quick, effective remedial action. No one knows exactly how many sites there are in Kansas; however, estimates indicate that there are 200 to 400 sites in which "hazardous waste" has been or currently is being disposed of.

Hazardous waste disposal particularly threatens groundwater. The State of Kansas cannot afford to risk the contamination of its groundwater by improper transportation, storage or disposal of hazardous wastes. 772 cities in Kansas presently

Attachment 2

rely upon groundwater as their sole water supply and 5.2 billion gallons of groundwater are withdrawn daily for use in irrigation. The costs of restoring or containing groundwaters contaminated by improper hazardous waste management will far outweigh the short-term expense which will be borne by Kansas industries required to use alternatives which reduce or practically eliminate the potential for hazardous waste contamination of our groundwater.

H.R. 2850 would establish a pilot program to help insure hazardous waste does not go down a drain or into a county land-fill. The Kansas Chapter of the Sierra Club also hopes that state financial support will continue past the initial period to establish a long term solution for household and small waste generators.

Other groups in support of Amnesty Days legislation include the Kansas Natural Resources Council, Kansans for Safe Pest Control, Audubon Council, the Kansas Rural Center, and the Land Institute of Salina.

HOUSE BILL No. 2782

By Representatives Acheson, Barr, Bunten, Hensley, Laird,
Mainey, Roy, Runnels, Smith and Wagnon

1-29

0018 AN ACT concerning parks and recreation; relating to the posting
0019 of rules and regulations; amending K.S.A. 19-2803a and re-
0020 pealing the existing section.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 19-2803a is hereby amended to read as
0023 follows: 19-2803a. The board of county commissioners of any
0024 county or the township board of any township owning and
0025 operating a park, lake or other recreational area is hereby em-
0026 powered by resolution duly passed to make reasonable rules and
0027 regulations regulating and licensing the use and enjoyment of
0028 any such facilities by the public, and for the protection and
0029 preservation of such properties. Any person violating such rules
0030 and regulations shall be guilty of a misdemeanor and upon
0031 conviction thereof shall be punished by a fine not exceeding ~~one~~
0032 ~~hundred dollars (\$100)~~ \$100 or commitment to the county jail for
0033 a period not exceeding ~~thirty (30)~~ 30 days or both such fine and
0034 imprisonment: ~~Provided, That~~. Before such resolution becomes
0035 effective and after its passage, it shall be published once each
0036 week in ~~some legal~~ a newspaper of general circulation in the
0037 county for three ~~(3)~~ consecutive weeks, ~~and the substance of such~~
0038 ~~rules and regulations, together with penalty for violations~~
0039 ~~thereof. A notice shall be conspicuously posted at the entrance~~
0040 ~~or entrances of such county facility that a copy of such rules and~~
0041 ~~regulations is available for public inspection at the county~~
0042 ~~courthouse and in the office of the supervisor of the facility.~~

0043 Sec. 2. K.S.A. 19-2803a is hereby repealed.

0044 Sec. 3. This act shall take effect and be in force from and
0045 after its publication in the statute book.

NOTIFICATION OF COMMITTEE ACTION

DATE: February 26, 1986

COMMITTEE: HOUSE ENERGY AND NATURAL RESOURCES

BILL NUMBER: The following House Bills were reported adversely in
bulk action: 2041, 2100, 2176, 2217, 2236, 2256, 2277,
2306, 2331, 2382, 2386, 2648, 2651, 2652, 2654, 2835.

COMMITTEE RECOMMENDATION: Be Passed
 Be Passed As Amended
 Be Not Passed

BILL WILL BE CARRIED BY: _____

CHAIRMAN: Representative Ron Fox

COMMENTS:

* WHEN COMPLETED PLEASE SEND THIS FORM TO -
THE MAJORITY LEADER'S OFFICE - 381-W.

NOTIFICATION OF COMMITTEE ACTION

DATE: February 26, 1986

COMMITTEE: HOUSE ENERGY AND NATURAL RESOURCES

BILL NUMBER: HCR 5042

COMMITTEE RECOMMENDATION: X Be Passed
 Be Passed As Amended
 Be Not Passed

BILL WILL BE CARRIED BY: Representative Shore

CHAIRMAN: Representative Ron Fox

COMMENTS:

* WHEN COMPLETED PLEASE SEND THIS FORM TO -
THE MAJORITY LEADER'S OFFICE - 381-W.

NOTIFICATION OF COMMITTEE ACTION

DATE: February 26, 1986

COMMITTEE: HOUSE ENERGY AND NATURAL RESOURCES

BILL NUMBER: House Bill 2872

COMMITTEE RECOMMENDATION: Be Passed
 Be Passed As Amended
 Be Not Passed

BILL WILL BE CARRIED BY: Representative Moomaw

CHAIRMAN: Representative Ron Fox

COMMENTS:

* WHEN COMPLETED PLEASE SEND THIS FORM TO -
THE MAJORITY LEADER'S OFFICE - 381-W.

NOTIFICATION OF COMMITTEE ACTION

DATE: February 26, 1986

COMMITTEE: HOUSE ENERGY AND NATURAL RESOURCES

BILL NUMBER: HOUSE BILL 2865

COMMITTEE RECOMMENDATION: Be Passed
 X Be Passed As Amended
 Be Not Passed

BILL WILL BE CARRIED BY: Representative Guldner

CHAIRMAN: Representative Ron Fox

COMMENTS:

* WHEN COMPLETED PLEASE SEND THIS FORM TO -
THE MAJORITY LEADER'S OFFICE - 381-W.

NOTIFICATION OF COMMITTEE ACTION

DATE: February 26, 1986

COMMITTEE: HOUSE ENERGY AND NATURAL RESOURCES

BILL NUMBER: HOUSE BILL 2850

COMMITTEE RECOMMENDATION: Be Passed
 X Be Passed As Amended
 Be Not Passed

BILL WILL BE CARRIED BY: Representative Heinemann

CHAIRMAN: Representative Ron Fox

COMMENTS:

* WHEN COMPLETED PLEASE SEND THIS FORM TO -
THE MAJORITY LEADER'S OFFICE - 381-W.