

Approved 2-11-86  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Senator Werts at  
Chairperson

8:00 a.m./~~p.m.~~ on February 6, 1986 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Ramon Powers - Research  
Don Hayward - Revisor  
Nancy Jones - Secretary

Conferees appearing before the committee:

SB 482 - An act concerning the development of county wide water-wastewater management plans.

A written statement was given to the Committee members by the Home Builders Association in opposition to SB 482 and SB 486. (Attachment A). A statement from the Kansas Natural Resource supported SB 482, 483, 484 and 487. (Attachment B).

Discussion was held on the bill reviewing concerns and intent. A motion was made by Senator Martin to recommend the bill favorably, seconded by Senator Daniels. Motion carried.

SB 486 - An act requiring subdivision water and wastewater plans.

Discussion for clarification and intent of the bill was held. A motion was made by Senator Martin to recommend favorably, seconded by Senator Feleciano. Motion carried.

SCR 1632 - Concerning surface water quality standards

Motion was made by Senator Yost to recommend favorably for adoption, seconded by Senator Kerr. Motion carried.

SB 483 - Establishing the contamination cleanup fund.

Discussion of the bill concerned principally the definition of contamination and the purpose of Section 5. If Section 5 is not adopted, the stricken language in lines 111, 112 and 113 would not be repealed, which means due process would continue under 65-3440. De novo appeal would not be permitted under new Section 5. In response to a question as to the purpose of Section 5, Charles Hamm, KDHE counsel, stated it is to make clear there is an appeal section for action under this act since 65-3440 relates only to hazardous waste. He further stated there is a bill in the Senate to bring all orders under the Administrative Procedures Act which, if passed, would supercede Section 5 of SB 483.

Motion by Senator Hayden to strike Section 5 and correct repealers in Section 6, seconded by Senator Kerr. Motion carried.

The implications of using the word "soil" in the definition of contamination was discussed. Senator Feleciano proposed an amendment to read on line 54 after the word thereto "and any substance which results in pollution as defined in KSA 65-171d and amendments thereto", seconded by Senator Martin.

Secretary Sabol stated there are contaminants non-hazardous in nature and the intent of this bill is to allow cleanup of these materials.

Senator Kerr made a substitute motion to read "in line 54 after the word thereto, strike all existing language through line 57 and insert an and in line 50 after the word thereto." Seconded by Senator Vidricksen. Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,  
room 123-S, Statehouse, at 8:00 a.m./~~p.m.~~ on February 6, 1986.

The effect of this substitute motion is that the hazardous waste cleanup fund could not be used for cleanup of contaminates, just hazardous waste.

Senator Gordon made the motion to amend the bill on lines 60, 63, 65 and 68 by reverting to the existing language and striking the amendatory language. Seconded by Senator Vidricksen.

Further discussion followed on the use of the pollutant cleanup fund and the hazardous waste fund, and areas of concern being omitted with this amendment. Senator Kerr expressed concern that the language of the bill is scaring the agricultural community. Senator Feleciano expressed the view that it appeared to be the will of the committee not to allow the Secretary of KDHE the power to act in cleaning up problems created with pollution and hazardous materials and waste.

A substitute motion was made by Senator Kerr to report SB 483 adversely, seconded by Senator Vidricksen. Motion carried.

Meeting adjourned. The next meeting will be February 11, 1986.

# Guest List

2-6-86

Walter Dunn

CHARLES BELT

Ron Caches

Rob Hodges

Dennis Munghey

Cyula + Kovach

Chip Wheeler

Kenneth Kern

CR Duffly

Shawn McGrath

Rich McKee

Ken Peterson

EKOGA

CHAM. of Commerce

BMAC

KCCI

KDHE

KDHE

McGill + Assoc.

State Conservation Commission

Ks Water Office

Ks. Natural Resource Council

KLA

Ks Petroleum Council

Topeka

WICHITA

WICHITA

Topeka

Topeka

Topeka

Topeka

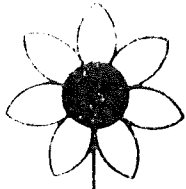
Topeka

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Topeka

TOPEKA

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# HOME BUILDERS ASSOCIATION OF KANSAS, INC.

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JANET J. STUBBS

## OFFICERS

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### Secretary

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### H B A. ASSOCIATIONS

Central Kansas  
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Emporia  
Garden City  
Hutchinson  
Manhattan  
Montgomery County  
Pittsburg  
Salina  
Topeka  
Wichita

### PAST PRESIDENTS

Lee Haworth 1965 & 1970  
Warren Schmidt 1966  
Mel Clingan 1967  
Ken Murrow 1968  
Roger Harter 1969  
Dick Mika 1971-72  
Terry Messing 1973-74  
Denis C. Stewart 1975-76  
Jerry D. Andrews 1977  
R. Bradley Taylor 1978  
Joel M. Pollack 1979  
Richard H. Bassett 1980  
John W. McKay 1981  
Donald L. Tasker 1982  
Frank A. Stuckey 1983  
Harold Warner, Jr 1984  
Joe Pashman 1985

February 6, 1986

MR. CHAIRMAN AND MEMBERS OF THE SENATE ENERGY COMMITTEE:

The HOME BUILDERS ASSOCIATION OF KANSAS opposes both S.B. 482 and S.B. 486 for the following reasons:

K.S.A. 65-3308 to 65-3313 had its beginning at a time when federal funds were available for planning grants for various water supply and water quality studies, and when those studies were the vehicle for obtaining an even larger federal grant for construction of water supply and wastewater treatment projects.

K.S.A. 65-3313 deferred enforcement of the requirement that each of the 105 Kansas counties develop countywide wastewater plans until KDHE certified that federal money was available to pay 75% of the cost of preparing those plans.

That the law was ill timed and ill conceived is apparent from its failure to produce any countywide wastewater plants, due mainly to the loss of federal grants for planning studies in the early 1980's.

Section 7 of S.B. 482 amends K.S.A. 65-3313 to require that each county pay for the preparation of a plan with county and/or municipal funds. It is evident that this will create hardship to those counties not, just as it would have since its enactment had it been mandatory at the inception.

S.B. 482 proposes that an additional study requirement which will increase cost is that the plans must now address water supply, in addition to wastewater, and that those plans be updated at least once every five years. It is the opinion of experts in this field that such a task could be perpetual and that there is no current way to estimate the financial impact of the proposed amendments to the counties.

Section 2 of S.B. 486 sets out a requirement that the Secretary of KDHE establish regulations which must be complied with at the time of approval of any subdivision plat both inside and outside of city limits. By July 1989, each local governing body must adopt an approved



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S. ENR

(A)

water supply and sewerage management plan which conforms with the rules and regulations mentioned above. From that time on, any exceptions to those regulations must be approved by the Secretary of KDHE.

It is the concern of professionals in the planning field that enactment of S.B. 486 would require prior approval of many minor exceptions to the regulations at the state level thus removing the ability of individuals knowledgeable regarding local conditions to make adjustments.

The concern of the Home Builders Association of Kansas is that those regulations could be used to prohibit development in any area not served by a municipal water supply and wastewater treatment system. This would eliminate or make it very difficult to provide housing in areas where individual water and sewer systems have been installed in the past and are performing satisfactorily.

We are also concerned that such statewide regulations will inhibit the development and application of innovative methods of water supply treatment and wastewater disposal.

# Kansas Natural Resource Council

To: Members of the Senate Energy and Natural Resource Committee

From: Kansas Natural Resource Council

Subject: Senate Bills 482,483,484,487

We support SB482, 483, 484,487 and encourage your favorable consideration. The implementation of these bills will ensure better protection of Kansas' surface and groundwater.

We hope you will give special attention to SB483. Regardless of the funding mechanism, KDH&E needs the resources to deal with the increasing water pollution in Kansas.



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