

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. ~~XXX~~ on March 19, 1986 in room 123-S of the Capitol.

All members were present except:  
Senator Feleciano - Excused  
Senator Eric Yost - Absent

Committee staff present:  
Ramon Powers - Research  
Don Hayward - Revisor  
Nancy Jones - Secretary

Conferees appearing before the committee:  
Representative Richard Harper  
Denny Burgess, Kansas Electric Cooperatives  
Kevin Davis, League of Municipalities  
Malcolm Moore, Sierra Club  
Dennis Murphy, Department of Health & Environment

A motion was made by Senator Hayden to approve the minutes of the March 5 and 6, 1986 meetings, seconded by Senator Langworthy. Motion carried.

HB 2768 - Relating to electric cooperatives

Representative Harper stated this bill was requested by the Rural Electric Cooperatives. The purpose is to establish under law the authority for cooperatives to sell more sophisticated types of heating units, fund the expertise needed for such programs and generally have powers more comparable to those of a corporation. This bill would also allow the cooperatives to work with other utilities on these types of programs.

Denny Burgess testifying as a proponent of the bill, gave background information on problems generated with disposal of small quantities of hazardous waste from homes, farms and small businesses. Mr. Murphy reviewed six ways in which a pilot collection program of small quantity waste could benefit the state. He further stated the Department proposes conducting the pilot program in three parts; first to develop and distribute educational material, and secondly, to set up collection stations in two Kansas cities, one large and one small. The third step would allow Kansas generators to dispose of accumulated small quantities of waste at a reduced charge. Upon completion of the pilot program, the Department would prepare a report with facts concerning persons participating, amount of materials collected and disposed of and the total cost involved. (Attachment A).

Mr. Murphy further stated no firm data is available at this time on disposal of small wastes, although Florida's program has been studied. The fiscal impact of the program is estimated between \$140,000 and \$150,000 with the majority of this figure being the contractors expense. There would be the need for a Special Projects position to operate for six months to provide coordination of the program. Stations set up for collection of waste would be composed of vehicles, drums and overpack containers. Contractors would transport under regulations already established, to designated hazardous waste sites for proper disposal. (Attachment B).

Kevin Davis testified the League would like to see local units of government added to the list of those who could participate in this program. Mr. Davis expressed concern with the language of line 38 of the bill as the intent is not clear, noting the reference to the 1987 sunset of the bill. He felt this might require local units of government to assume responsibility for the program. Senator Werts clarified the sunset provision is a reminder for the legislature and the implied intent of the language is to encourage local units of governments to undertake some responsibility for proper waste disposal. (Attachment C).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,  
room 123-S, Statehouse, at 8:00 a.m./~~p.m.~~ on March 19, 1986

Malcolm Moore testified in support of HB 2850 as it will educate the general public regarding proper disposal of hazardous waste material. Implementation of this program will serve as a deterrent to contamination of ground water, a high priority. Mr. Moore expressed a concern that since the program would be funded from the state Super Fund, additional appropriations may be necessary sometime in the future. (Attachment D).

A motion was made by Senator Langworthy to amend HB 2850 in Section 1 to include the language "local units of government", seconded by Senator Hayden.

A motion was made by Senator Martin to recommend HB 2850 favorably as amended seconded by Senator Langworthy. Motion carried.

The committee then took action on HB 2768.

A motion was made by Senator Vidrickson to favorably recommend HB 2768 and place it on the Consent Calendar, seconded by Senator Hayden. Upon further discussion by the committee, the motion was withdrawn.

Senator Vidricksen made a motion to recommend favorably HB 2768, seconded by Senator Hayden. Motion carried.

Meeting adjourned. The next meeting will be March 20, 1986.

3-19-01  
Guest List

|                |          |                    |
|----------------|----------|--------------------|
| Malcolm Moore  |          | Sierra Club        |
| Dennis Murphey | Topoka   | KDHE               |
| Denny Burgess  | Topoka   | KEC                |
| Bob Phillips   | Topoka   | KEC                |
| Ben Bradley    | LAWRENCE | IAC                |
| Kent Foerster  | Topoka   | KWRC               |
| Connie Trebbe  | Topoka   | KWRC               |
| Chp Wheeler    | Topoka   | WMI                |
| Pat Swackey    | Topoka   | Division of Budget |
| Richard Harper | H. Scott | Legislature        |
| Kevin Davis    | Topoka   | Reggie's Muncie    |
| Shawn McGrath  | Topoka   | KWRC               |
| Anne Crews     | Dallas   | Mary Kay           |
| Carolyn Cox    | Topoka   | "Cosmetics"        |

STATEMENT  
ON BEHALF OF  
KANSAS ELECTRIC COOPERATIVES, INC.  
TO THE  
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE  
HB 2768  
MARCH 19, 1986

The attached statement is submitted for your information  
and for inclusion in the Committee record.

Kansas Electric Cooperatives, Inc. is a statewide trade association with membership consisting of 35 rural electric cooperatives (two generation and transmission cooperatives and 33 distribution cooperatives) serving Kansas.

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S. ENR

(A)

TESTIMONY BEFORE  
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE  
HOUSE BILL NO. 2768  
MARCH 19, 1986  
BY  
DENNY D. BURGESS  
KANSAS ELECTRIC COOPERATIVES, INC.

Mr. Chairman and Members of the Committee:

I am Denny Burgess representing the Kansas Electric Cooperatives, Inc. Electric cooperatives in Kansas are formed and organized as not-for-profit, cooperative, service organizations under a special enabling act. The "Electric Cooperative Act" became law in 1941 and has only been amended on one occasion. The Act and the electric cooperatives organized under it have served the state of Kansas well. Electric cooperatives have provided services and benefits to hundreds of thousands of Kansans throughout 80% of the state's land area that could only be possible through the miracle of electricity.

Electric cooperative pioneers and leaders aided their fellow Kansans by working together to provide the labor, materials and capital necessary to wire homes and farms and obtain the appliances and equipment needed to achieve a better standard of living with the new technology available in the age of the Great Depression.

Today, we stand ready to carry that legacy into the 21st Century. The wonders of modern technology now provide for new forms of energy conversion, conservation, and load control equipment which hold great promise as a means of providing energy and other services more efficiently and at a lower cost.

Many electric cooperatives are already using new technology to hold down peak demand requirements through the use of load control devices on customer equipment. These control devices, placed on the customer's equipment, respond to communications signals generated by a computer which selects specific loads to be interrupted at critical peak times. We are also using new equipment to research customer load requirements in order to make better decisions about future power requirements and plant additions.

Air-to-air and ground-coupled heat pumps, which heat and cool homes, businesses, and farm buildings, heat pump water heaters and solar panels will produce and use energy more efficiently in the future. At the same time we are encouraging new uses of electricity, not waste, but wise use. New products, equipment, and appliances to make our customers' lives more productive and enjoyable, whether they live on the farm or in the city.

We are requesting some minor amendments to our enabling legislation under House Bill No. 2768 to clarify our authority to move forward in the new technology areas. The bill clearly spells out that cooperatives will be able to aid their customers in obtaining, using and financing the equipment, systems and services now available. We need to be sure that we also have the authority to encourage, promote and participate in the transfer of this new technology to our customers through participation with others, whether cooperatives, private corporations, partnerships or other types of entities.

While we may already have the authority to undertake these acts by statutory interpretation, the precedent of court decisions, history and custom, we are cautious due to the possible scale of effort and investment which it will take to move forward in these programs. Therefore, we encourage this specific clarifying amendment.

Mr. Chairman and members of the Committee, we thank you for the opportunity to appear before you and we urge your support of House Bill No. 2768.

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.

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(B)



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.

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



# League of Kansas Municipalities

**PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565**

**TO:** Senate Committee on Energy and Natural Resources  
**FROM:** Kevin R. Davis, Attorney  
**DATE:** March 19, 1986  
**SUBJECT:** HB 2850

The League of Kansas Municipalities supports this bill and recommends that local units of government be added to the list of those eligible to participate (Section 1(a)(1)), along with homeowners, farmers, schools, state agencies and small businesses. It makes sense to us that municipalities generating less than regulated quantities should also be eligible to participate.

We are unsure of the intent or possible requirements of the language on line 38 to "...encourage local units of government to develop local hazardous waste collection programs either individually or jointly..." Apparently this would be developed in the rules and regulations adopted by KDHE.

In conclusion, we support HB 2850 in that it should help eliminate some environmental problems. We urge consideration of including local units of government among the groups of eligible participants.

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(c)

ENERGY AND NATURAL RESOURCES COMMITTEE

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 substance, 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

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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.B. 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.