

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at
Chairperson

9:00 a.m./~~p.m.~~ on February 20, 1986 in room 254-E of the Capitol.

All members were present ~~except~~.

Senators Hoferer, Vidricksen and Walker were excused.

Committee staff present:

Fred Carman, Revisor
Ben Barrett, Legislative Research Department
Louise Cunningham, Secretary

Conferees appearing before the committee:

Dennis Murphy, Department of Health and Environment

HEARING ON S.B. 485 - Hazardous waste transportation regulation; monitoring fees not required of certain generators.

Dennis Murphy, Department of Health and Environment, said legislation passed in 1984 would lower the exemption level at which hazardous waste becomes regulated and this would affect approximately 4000 small businesses which were previously not regulated. A large percentage of these businesses now recycle their hazardous waste and if a fee must be paid regardless of whether or not that waste is recycled many would stop recycling. This bill will allow specific generators to be exempt from payment of the monitoring fees. This bill would not reduce the present income by \$200,000 but \$200,000 less would be brought in because the number of people brought in would be less. This exemption would encourage people to participate in the program and would discourage illegal disposal. They support S.B. 485. A copy of his statement is attached. (Att. 1).

A motion was made by Sen. Doyen and was seconded by Sen. Norvell to recommend S.B. 485 favorably for passage. Motion carried.

DISCUSSION ON S.B. 559 - Windows of motor vehicles.

The Chairman said the proponents and law enforcement people had not agreed and did not present a united front. They seemed to have irreconcilable differences. The Chairman said he would talk to the highway patrol people and the proponents of this bill to see if they could agree on a light standard.

ACTION ON S.B. 438 - Two license tags

The committee discussed this bill and felt that action should be taken this session as the new plates will be issued in 1988. ABATE had requested an amendment to allow 6 letters instead of 5 on the personalized tags for motorcycles. A motion was made by Sen. Martin and was seconded by Sen. Francisco to amend the bill conceptually on line 95 to do this. Motion carried.

The committee discussed the county treasurers' concerns about the fees for mailing tags which had been discussed at the hearing on February 5. Since the tags are only mailed out every five years they did not want to increase the fees for every year. The other four years only decals would be mailed and there was no need for the fee increase then. They wanted the increase just for the years tags are mailed. The increase would only be for those that are buying the tags by mail. This was to take care of the increased postage rates. A motion was made by Sen. Martin and was seconded by Sen. Hayden to conceptually amend S.B. 438 to increase the 50¢ fee to \$1.50 on line 400 of the bill.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m./~~pm~~ on February 20, 1996.

A substitute motion was made by Sen. Francisco to recommend S.B. 438 as amended (with the ABATE amendment) favorably for passage. He thought the House committee could set the fee after they heard from the county treasurers at their hearing. This motion died for lack of a second.

A substitute motion was made by Sen. Norvell and was seconded by Sen. Frey to increase the fee to \$1.00 for mailing fees. This would be for issue years only. Motion carried.

A motion was made by Sen. Francisco and was seconded by Sen. Thiessen to recommend S.B. 485 as amended, favorably for passage. Motion carried.

On a motion from Sen. Doyen and a second from Sen. Thiessen the Minutes of February 12, 1986 were approved. Motion carried.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-20-86 Place 254-E Time 900
S.B. 485

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Dennis Murphy	Forbes Field	KDHE
Cathy Stuckler	347-N	Sen. Johnston
Ken Conrad	Topeka	KGE
Richard Schlegel	Manhattan	ABATE
Pat Wischman	Topeka	K.A.D.R.A.
Pat Hubbell	Topeka	Kansas RRA

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on Proposed Hazardous Waste Legislation SB 485

Presented to Transportation and Utilities Committee

This is the official position taken by the Kansas Department of Health and Environment

BACKGROUND INFORMATION

The 1984 Kansas Legislature enacted K.S.A. 65-3451 which lowered the exemption level at which a hazardous waste becomes regulated to 55 pounds (25 kilograms) or more per month as of July 1, 1986. This lowering of the exemption level has the potential to affect approximately 4,000 small businesses which were not previously regulated as hazardous waste generators. The majority of these small businesses are dry cleaners, auto body shops, radiator repair shops, printers, laboratories, pesticide applicators, and vehicle maintenance shops including those activities at some secondary schools.

K.S.A. 65-3431(u) requires KDHE to collect monitoring fees from all hazardous waste generators producing or bringing into existence hazardous waste in Kansas. These fees are based on the total tonnage of hazardous waste generated in a calendar year. Currently these fees are on a sliding scale from a minimum of \$100 for less than two tons to a maximum of \$5,000 for more than 1,000 tons. Thus, every one of these small businesses would, at least, be subject to payment of the \$100 monitoring fee.

A large percentage of these small businesses generate solvents which were already being recycled prior to regulation by KDHE. Because the monitoring fee must be paid regardless of whether the hazardous waste is recycled or disposed, it will not provide an incentive for those businesses to recycle their wastes. KDHE believes that we should encourage recycling by allowing, through regulation, certain generators to be exempt from payment of monitoring fees.

This philosophy parallels the passage of H.B. 2273 during the 1985 session. This bill provided that all rules and regulations must consider the economic effect upon small businesses and where legally possible reduce that negative effect. This legislation will allow KDHE the flexibility to exempt specific generators from payment of the monitoring fees.

This legislation corrects language in the statute regarding establishing of routes for transportation of hazardous waste and coordination with Kansas Corporation Commission. Since the Kansas Department of Transportation does not regulate hazardous materials, reference to them has been eliminated. This issue is also addressed in SB 446 which has been favorably passed out of committee.

ATT. ①
S. T+W 2/20/86

Also, the need to revise the hazardous waste perpetual care trust fund fees after September 30, 1983 is no longer necessary. The statute establishes a maximum fee and courts have ruled that similar types of fees do not conflict with Public Law 96-510. Therefore, this entire paragraph is now stricken.

I would also call your attention to line 117 where the word "accidental" is stricken and lines 263 and 264 where additional language is included. Both of these amendments are necessary for KDHE to proceed with obtaining authorization from the U.S. Environmental Protection Agency (EPA) for the 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA. Without authorization, EPA would be administering these new programs.

The word "accidental" is stricken because it limits the type of release to only accidental incidents where prompt corrective action is necessary to protect the environment. Other releases such as willfull incidents should be included in these rules and regulations.

By adding the words "generation, transportation, storage, blending, marketing, burning and" to K.S.A. 65-3431(y), the necessary authority is provided to regulate all persons who are involved in the recovery of energy from hazardous waste.

STRENGTHS

1. Provides an incentive to hazardous waste generators to recycle hazardous waste and to reduce the need for other types of disposal including land burial outside of Kansas.
2. Encourage small businesses to properly manage hazardous waste by eliminating the economic burden of paying monitoring fees for those hazardous waste which are recycled to recover energy or materials.
3. Encourages compliance with hazardous waste regulations by reducing the regulatory burden for small businesses.

WEAKNESSES

This legislation has the potential to reduce the total amount of increased monitoring fees which would be collected due to the phasedown of the small quantity generator limits by approximately \$200,000. This is based on the assumption that 50 percent of the potential 4,000 small businesses recycle their wastes and thus would be exempt from the minimum \$100 per year monitoring fee.

DEPARTMENT'S POSITION

We believe this legislation provides a strong incentive to recycle hazardous waste and to lessen the economic impact of monitoring fees upon small businesses in Kansas.

We strongly encourage your support and endorsement of this legislation.

Presented by: Dennis R. Murphey, Manager
Bureau of Waste Management
Kansas Department of Health
and Environment