

Approved 1-27-87
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. ~~xxx~~ on January 21, 1987 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:

Jack Walker, Secretary, Kansas Department Health & Environment
Phil Martin, Chairman, Kansas Water Authority
Joe Harkins, Director, Kansas Water Office

Chairman Werts introduced Jack Walker to discuss environmental issues facing the state of Kansas (Attachment A). He stated bill introduction requests from the Department will be made later. Secretary Walker stated environmental responsibilities of KDHE are focused on the elements of prevention and remediation. Recently a new bureau was formed to strengthen contamination response. Since environmental interests are relatively new, concerns are dealt with on a near term and long term basis. To implement progressive policies, several issues are critical: Public Education, Ground Water Protection, Low Level Radioactive Waste Compact and Household Hazardous Waste Collection. New issues the Department will be responding to are Radon and the establishment of the Bureau of Environmental Remediation. This Bureau will soon release a report concerning the extent and type of contamination present in the state.

Secretary Walker also stated Cherokee County has been identified as a U.S. Superfund site and remedial work is being expedited by a newly formed task force. Regardless of the austere fiscal policies for 1987, the Secretary feels the Department can continue with programs in place relating to environmental concerns. In conclusion, Secretary Walker stated his approach will be to speak softly and carry a big stick in carrying out the responsibilities of the agency.

In his presentation, Phil Martin stated the Kansas Water Authority is dedicated to the quality of surface and ground water and the twelve Basin Advisory Committees are very important in state water planning. Responsibilities and makeup of the basin committees were discussed. (Attachment B). Individual basin plans will be submitted to the Legislature this year. Mr. Martin emphasized it is important to move forward and implement portions of the Water Plan this year within the economic means of the state. Mr. Martin further stated the intention of the Water Authority is not to dictate findings to the Basin Advisory Committees but utilize them as sources of grassroots information. Membership of the Basin Advisory Committees was reported.

Joe Harkins addressed the Committee and stated the Water Office has asked the Energy & Natural Resources Committees in the House and Senate to introduce certain related bills in each chamber in order that they may be worked together. Legislative proposals prefiled by the interim committee deal with water quality and are deemed sound and very important by the Water Office. He asked that careful attention be given these bills when heard in committee.

Three categories of legislation were discussed: prefiled, proposals not acted upon last year and those needed to update the Water Plan. Emphasis was placed on the importance of each proposal to move forward with the State Water Plan.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,
room 123-S, Statehouse, at 8:00 a.m./~~pm~~ on January 21, 1987

Mr. Harkins discussed the status of basin planning in detail. A three stage concept was used in this stage of planning.

1. What are major problems in each basin? From this discussion, major priorities were identified.
2. What state programs can be used to deal with individual basin problems? Local and individual responsibilities were separated from those of state and federal government.
3. What specific action can be taken by state programs to address basin concerns?

Three categories of solutions were produced from this initial stage of development.

1. State, federal and local agencies must work together. The sediment issue in Tuttle Creek Reservoir was given as an example of such cooperation and coordination.
2. Financial support to implement proposals of the State Water Plan. Sediment and high level erosion programs are a high priority due to the impact at many levels.
3. Work and money. Remediation action is needed in three sites known to be causing water pollution problems. Without prompt correction, degeneration will occur, destroying major water supplies for years into the future.

Mr. Harkins concluded his presentation stating that without implementation of proposals this year, lowering of morale of Basin Committee members will certainly occur and capable individuals will be lost.

Meeting adjourned.

Guest List

1-21-87

Glen E. Kirk	KWO	Topeka
Ed Reineert	K's League ^{women} Voters	Topeka
Phil Martin	KWA	Harrod
John Wynkoop	KWA	Wichita
Raymond Roemer	KWA	Shawfield Ks
Dennis Murphy	KDHE	Topeka
Larry Panning	KWA	Ellinwood
Mary Ann Bradford	League of Women	Veterans Topeka
Charles V. Hamner	KDHE	Topeka
Bill Bryson	KCC	Topeka
Chris Wilson	gentilizer ^{chemical} KFC Ass'n	Hutchinson
Cyula & Kovach	KDHE	Topeka
Kewi Davis	League Ks Men	Topeka
Martha Marshall	KWPC	Topeka
Bill Anderson	Water DIST #1 of Ks	Mission
Edward E. Rolf	DWR-KSBA	Topeka
Walter Dunn	EKO GA	✓
ROSS MARTIN	KPC	"
Janet Stubbs	ABAK	"
Ken Peterson	KPC	"
Tom Taylor	KPL Gas Service	Topeka
David J. Romano	KDHE	Topeka
Clark Duffey	KWO	Topeka
Joe Harbans	KWO	"
Shirad Bhatia	KDHE	"
Don Schmucke	KIOGA	"

Robert C. Anderson ^{Mid Cont}
Oil Co

~~O. Hauer~~

Rick Kready
BILL FULLER

KPL Gas Service
Ks. Farm Bureau

Topeka
Manhattan

REMARKS OF SECRETARY JACK WALKER,
KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT,

BEFORE THE

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

January 21, 1987

Good morning. I want to thank Chairman Werts for inviting me to speak to you today about environmental issues facing the State of Kansas.

Because you are familiar with KDHE, I'm sure that you can easily imagine the avalanche of information which has descended upon me in my brief tenure at the Department. Through extensive staff briefings and mountainous accumulation of written documents, I have come to recognize the enormous breadth and complexity of KDHE's operations. I have also gained additional insight into the importance of the activities at KDHE to the well-being of Kansas.

On the environmental side of KDHE operations, we preserve the well-being of the state through two regulatory elements: prevention and remediation. The majority of the Division of Environment's operations are forward-looking and preventive in nature, which they must be. In addition, the agency has recently taken steps to clarify and strengthen its contamination response capabilities to restore our natural resources. This two-tiered approach to environmental regulation is an outgrowth of the Kansas Legislature's long-held commitment to the preservation and, when necessary, restoration of Kansas natural

Gregory
ATTACHMENT A
1-21-87

resources. Members of this Committee are keenly aware of the fact that our resources are more than just an abstract legacy we leave to future generations. Clean air, clean water, and healthy soil are quite literally the life-blood of economic recovery and a stable economic climate. For example, of the 12 million acre-feet of water appropriated for daily use in Kansas, 87% is dedicated to agricultural use. Of the remaining 13%, nearly half is appropriated by Kansas industry. These water-use patterns reinforce our recognition that a bountiful supply of quality resources is essential both to future generations and to our near-term as well as long-term plans to stimulate the farm economy and site new industry in Kansas. The work of protecting and restoring the environment is extremely important to this effort and should not be undervalued.

As a member of this administration, I am acutely mindful of the fiscal burdens which weigh heavily on Kansas government. Austere times such as these call upon all of us to make sacrifices, to set aside individual agendas, and to close ranks behind Governor Hayden and legislative leaders. I want to pledge to you KDHE's commitment to work with the legislative branch in a spirit that is cooperative, innovative, and optimistic. It is my hope that we can do more than simply make the best of bad times. Through the delicate balance of fiscal concern with progressive environmental policies, I have every confidence that we can meet the proverbial challenge of passing a camel through the eye of a needle.

A

In order to define, advance, and implement progressive environmental policies, we are here today to begin a dialogue -- between KDHE, the legislature, the regulated community, and other interest groups -- on several issues which we feel will be critical in years to come.

1. Public Education: Two of the most plaguing features of the effort to protect health and environment have been explosive growth in technology, and the ever-changing landscape of prominent health and environmental concerns. Fifteen years ago, the term "hazardous waste" was not in the national vocabulary. Five years ago, no one had even heard of AIDS. And just eighteen months ago, radon could not have been more remote from the public consciousness. Our enhanced laboratory ability to measure minute concentrations of contaminants, coupled with our computer-sponsored ability to analyze massive amounts of information, has forever altered the way we respond to environmental concerns, at both the state and federal levels. KDHE must continue and expand its efforts to uncover the links between environmental conditions and their effects on human health. It is also time for us to communicate more effectively with the public regarding environmental issues in order to promote in Kansas an enhanced environmental ethic, and to better educate them about the meaning and personal management of risk; about the links between health and the environment;

and about the responsibility, range, and limitations of the regulatory framework.

2. Matters of Ongoing Concern: There are several ongoing issues which need to be reviewed or revisited this session.

a. The Groundwater Protection Strategy: For the past year, KDHE has enlisted the aid of a broad-based task force -- with representatives from industry, other agencies, and public interest groups -- in preparing a strategy to protect and restore Kansas groundwater reserves. In addition to setting out a groundwater management program, the strategy was developed to meet federal requirements. The strategy has been finalized and will be sent to all members of the Legislature for review and future reference. Your cooperation in supporting its implementation is of paramount importance.

b. The Low-Level Radioactive Waste Compact: In 1982, Kansas entered into a compact with the States of Nebraska, Oklahoma, Arkansas, and Louisiana to provide for the safe and environmentally-sound disposal of low-level radioactive waste. Since 1982, a great deal of technical information has been compiled on this issue, and we are now approaching the point where some major decisions will be taken. On February 1, 1987, our compact will be issuing a Request for Proposal

(RFP) to potential developers for the construction, operation, and maintenance of a low-level radioactive waste disposal facility for our compact region. Developers will be required to submit formal proposals by April 5, 1987. The compact then expects to select a developer by July 1, 1987. These actions are necessary so that the compact can meet the federal deadline of January 1, 1988 of identifying a host state for the facility. In light of these important events, it seems prudent that Kansas consider the facts at hand and carefully review where we are and where we wish to go.

- c. The Household Hazardous Waste Collection Daus Projects: This past November, KDHE followed the legislative directive set out in House Bill 2850 by collecting household hazardous wastes in Great Bend/-Barton County and Wichita/Sedgwick County. The program was a great success and resulted in the environmentally-sound disposal of more than 45,000 pounds of hazardous materials. KDHE staff has written a project report which will be provided to members of this Committee.
- d. Southeast Kansas: The scars and contamination across the landscape of Southeast Kansas serve as a reminder of the ongoing need for appropriate environmental regulation. At the present time, Cherokee County has

been identified as a Superfund site and investigative work is being undertaken by the Environmental Protection Agency. Recently, Congressman Whittaker has formed a task force of various federal, state, and local officials to help expedite the remedial work in the area. One of the specific proposals being evaluated is to see whether the U.S. Bureau of Mines can come up with federal dollars to plug open mine shafts in an economical way. I have asked our agency personnel to work with those officials and provide whatever assistance we can to these agencies to help alleviate these problems.

3. New Issues and Directions: As I earlier noted, KDHE operates within a highly dynamic framework. Consequently, it is necessary for us to respond to new priority areas of environmental concern.

a. Radon: The potential threat of air-borne radioactivity in the home has recently given rise to considerable national concern. At this point, we are just beginning to assess the radon situation in Kansas. Funds from several sources have been directed toward radon testing in regions of the state which have the greatest potential for the presence of radioactivity. In the meantime, KDHE has, and will continue, to work with

interim and standing committees in the House and Senate on this issue.

- b. Establishment of the Bureau of Environmental Remediation: The decision of the 1986 Legislature to shift oil and gas regulatory programs to the purview of the Kansas Corporation Commission left KDHE with both the challenge and opportunity to reorganize the remaining elements of the old Bureau of Oil Field and Environmental Geology. Out of that reorganization has come the Bureau of Environmental Remediation. I have included an attachment which sets out the structure, goals, and responsibilities of the new bureau. We believe that the Bureau of Environmental Remediation -- which, as the name suggests, has its focus on containing and cleaning up contamination -- will complement the preventive focus of the Bureaus of Water Protection, Waste Management, and Air Quality and Radiation Control. The importance of the new bureau is underscored by the fact that there are more than 300 known or suspected contamination sites in Kansas. The new bureau will also work in concert with federal efforts -- Superfund was recently reauthorized at \$9 billion over 5 years -- to clean up contaminated sites. The Bureau of Environmental Remediation is finalizing, and will soon distribute, a report which sets out the extent and type of contamination present in the state,

and which details agency responses to those contamination incidents.

4. KDHE's 1987 Legislative Package: At this time, I am not in a position to discuss specific legislative issues with you. I am sure you are well aware of the logistical difficulties facing a new administration so early in the legislative session. The Department has prepared certain legislative proposals, but they have not yet been reviewed by the Governor and his staff. Once that review has been completed, I am sure we will propose specific issues for your deliberation.

As you can see, KDHE is an agency with remarkable range and complexity in its operations. With your direction and insight, we can implement a program which will provide the long-term benefits of promoting public health and ensuring a healthy environment for all Kansans.

Thank you for the opportunity to appear this morning. I look forward to working with each of you.

BUREAU OF ENVIRONMENTAL
REMEDATION

PROGRAM

The mission of the Bureau is to respond to environmental emergencies and manage long-term environmental contamination by control, containment, or cleanup.

ACTIVITIES

TECHNICAL SERVICE SECTION

- Site Inventory/Ranking
- Site Tracking/Annual Report Preparation
- Cooperative Agreements with EPA
- Preliminary Site Investigations
- Community Relations
- Cost Recovery/Enforcement/Compliance
- Responsible Party Searches

REMEDIAL SECTION

- Oversight of Responsible Party Actions
- Contractor Oversight
 - a. Remedial Design
 - b. Corrective Action Implementation
- EPA Oversight
 - a. Remedial Investigations/Feasibility Studies
 - b. Immediate Removals
 - c. Remedial Action/Cleanups
- Spill Response
- Coordination with KCC

CIMARRON BASIN ADVISORY COMMITTEE

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Vincent Youngren	Box 488 Hugoton, KS 67851	316/544-2731	6/30/87
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Thomas J. Grace	RR 2, Box 66 Copeland, KS 67837	316/668-5673	6/30/87
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Mary Fund	RR 2 Goff, KS 66428	913/939-2492 or 873-3431	6/30/87
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Ralph Gage	609 New Hampshire, Box 888 Lawrence, KS 66044	913/843-1000	6/30/89
Ervin Simms	380 South 11 St. Kansas City, KS 66102	913/281-0025	6/30/87
Ernest Angino	P.O. Box 708 Dept. of Geology University of Kansas Lawrence, KS 66045	913/841-7722 ext. 400	6/30/87
Thomas E. Neal	P.O. Box 287 Junction City, KS 66441	913/238-2512	6/30/87

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Jerry E. Mott	RR 1 Iuka, KS 67066	316/546-2576	6/30/89
John L. Baldwin	2700 East 4th St. Hutchinson, KS 67504	316/665-5511	6/30/89
Douglas R. Hahn	510 N. Main Wichita, KS 67203	316/268-7380	6/30/89
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Ben L. Williamson	Box 357 Troy, KS 66087	913/985-3721	6/30/89
Beau K. Kansteiner	601 Delaware Leavenworth, KS 66048	913/682-1513	6/30/89
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Marian C. Hayes	3123 W. 42nd Ave. Kansas City, KS 66103	913/236-7508	6/30/89
Duane H. Mueting	Route 1, Box 127A Baileyville, KS 66404	913/336-2168 or 336-3557	6/30/87
Don J. Novak	720 Oregon Street Hiawatha, KS 66434	913/742-7441	6/30/87
Rev. Angelus Lingenfelser	St. Benedict's Abbey Atchison, KS 66002	913/367-5340	6/30/89
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Joe Works	RR 1, Box 165 Humboldt, KS 66748	316/473-3769	6/30/89
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James Schoof	5722 Aysbury Cir. Wichita, KS 67220	316/686-8711 or 263-2027	6/30/87
Pat Sauble	RFD 1 Cedar Point, KS 66843	316/274-4425	6/30/89
Earl McColm	Route 1 McCune, KS 66753	316/632-5130	6/30/87
Bruce Taggart	222 W. Main Bldg., SD Chanute, KS 66720	316/431-0380	6/30/87
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Herb Deines	108 West 35th Hays, KS 67601	913/625-3380	6/30/89
Ben Dickman	P.O. Box 275 Grinnell, KS 67738	913/824-3392	6/30/89
John Ewing	707 Southwood Court Quinter, KS 67752	913/754-3586	6/30/87
Dean L. Papes	RR 1, Box 86 Wakeeney, KS 67672	913/743-5484	6/30/87
R.G. VanGundy	302 Forest Drive Ellsworth, KS 67439	913/472-4286	6/20/89
Harold Frasier	Box 418 Sharon Springs, KS 67759	913/852-4879	6/30/87
Clinton E. Lundquist	RR 2, Box 65 Lindsborg, KS 67456	913/227-3122	6/30/87
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Donald E. Riffel, Chairperson	RR 1, Box 99 Stockton, KS 67669	913/425-6527	6/30/89
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Bob Hooper	Box 3 Bogue, KS 67625	913/674-5489	6/30/89
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Carl Stepp	Rt. 2, Box 61 Smith Center, KS 66967	913/282-3591	6/30/89
Gene Bland	RR 1 Lucas, KS 67648	913/525-6126	6/30/87
Francis Sweat	RR 1, Box 25 Cedar, KS 67628	913/476-2275	6/30/87
Henry L. Armknecht	P.O. Box 201 1012 6th Street Cawker City, KS 67430	913/781-4943	6/30/87

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L.T. Fleske	2401 Dove Terr. Great Bend, KS 67530	316/792-3055	6/30/89
Bill A. Carson	P.O. Box 499 Garden City, KS 67846	316/276-8263	6/30/89
Kathy Massoth	P.O. Box 27 Cimarron, KS 67835	316/855-3148	6/30/89
Dale N. Olsen	RR 2, Box 122 Kinsley, KS 67547	316/527-4451	6/30/87
Joe Kramer	808 Highway 56 Dodge City, KS 67801	316/227-8609	6/30/87
Donald Neff	RR 1, Box 4 Lakin, KS 67860	316/355-7008	6/30/89
Keith Lebbin	Box 604, 211 Main Scott City, KS 67871	316/872-5563	6/30/87
Raymond P. Georg	RR 1 Rush Center, KS 67575	913/372-4436	6/30/87
Steven Frost	520 Summit Garden City, KS 67846	316/275-6155	6/30/87

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Kennis D. Mann	Box 26 New London, IA 52645	316/367-5712	6/30/89
Vacant			6/30/87
Melvin A. Juenemann	RR 2 Norton, KS 67654	913/877-2064	6/30/87
Lois Cossman	Rt. 3, Box 40 Goodland, KS 67735	913/899-2654	6/30/89
Delbert Powell	Rt. 2, Box 39 Goodland, KS 67735	913/899-5847	6/30/87
LeRoy Deines	603 Sunset Dr., RR #2 Norton, KS 67654	913/877-5109	6/30/87
R.A. True	P.O. Box 116 Goodland, KS 67735	913/899-3639 913/899-5232	6/30/87

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Roland B. Bilson	RR 2, Box 131 Eureka, KS 67045	316/583-6934	6/30/89
John E. Pruitt	P.O. Box 570 Coffeyville, KS 67337	316/251-4000	6/30/89
James J. Rockers	RR 1 Independence, KS 67301	316/331-0684	6/30/89
Paul Sasse	120 N. 6th Street Independence, KS 67301	316/331-2500	6/30/87
Byron (Buck) Reardon	RR 1, Box 45 Liberty, KS 67351	316/251-9697	6/30/87
Arthur W. Miller	508 N. 9th Fredonia, KS 66736	316/378-3697	6/30/89
J. Dale Steward	RR 1 Grenola, KS 67346	316/358-3243	6/30/87
J. Murle Teter	326 Mission Road Eureka, KS 67045	316/583-5155	6/30/87
Rick Tush	1519 Quincy Eureka, KS 67045	316/583-7568	6/30/87

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WALNUT BASIN ADVISORY COMMITTEE

Name	Address	Telephone	Term Expires
Harold E. Taylor, Chairperson	Rt. 1 Burns, KS 66840	316/321-3793	6/30/89
Uriel W. Brown	RR 2, Box 214A Arkansas City, KS 67005	316/442-1959	6/30/89
Dwayne Waite	Rt. 2, Box 250 Winfield, KS 67156	316/221-3199	6/30/89
Steven E. Anderson	Route 1, Box 196 Whitewater, KS 67154	316/799-2429	6/30/89
David Jackman, Jr.	RR 1 Leon, KS 67074	316/745-3672	6/30/89
Ted L. Farmer	Courthouse El Dorado, KS 67042	316/321-3010	6/30/87
Tom M. Dixon	Route 1, Box 40 Leon, KS 67074	316/745-3653	6/30/87
Delbert Shaffer	RR 1 Benton, KS 67017	316/778-1495	6/30/89
Robert L. Wilson	Centennial Road Arkansas City, KS 67005	316/442-4636	6/30/87
Vincent Vestring	RR 1 Burns, KS 66840	316/726-5525	6/30/87
Ellsworth Whillhite	RR 1 Leon, KS 67034	316/745-3395	6/30/87

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