

Approved April 8, 1988
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Gannon at
Chairperson

8:02 a.m./~~p.m.~~ on April 6, 1988 in room 526-S of the Capitol.

All members were present except: Senator Arasmith (excused)

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: L. Patricia Casey, Acting General Counsel,
Department of Health and
Environment
Rich McKee, Kansas Livestock Association

Senator Allen turned the committee meeting over to Senator Gannon to be Acting Chairman.

Senator Gannon called the committee to order and called attention to Substitute HB 3027 for a hearing. He called on Patricia Casey to testify.

Patricia Casey gave copies of her testimony to the committee (attachment 1) and expressed support for Substitute HB 3027 in its original form. Ms. Casey explained that the section 5 and 6 that were amended to the bill had nothing to do with the original bill.

Senator Gannon called on Rich McKee to testify.

Rich McKee explained that he had an amendment (attachment 2) prepared so that feedlots would not be included in the provisions of Substitute HB 3027. Mr. McKee explained that a feedlot is not a supplier of public water and that this amendment assures that feedlots will not fall under the provisions of Substitute HB 3027.

When the committee questioned how feedlots were included in the bill, Jim Powers, Department of Health and Environment who was present, explained that when there are 25 or more employees that that organization falls under regulations and so if a feedlot had 25 or more employees that Substitute HB 3027 would include feedlots.

Senator Gannon called for committee action on Substitute HB 3027.

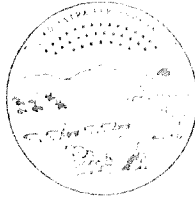
Senator Allen made a motion that all the lines after line 214 of Substitute HB 3027 be stricken from the bill. Senator Thiessen seconded the motion. Motion carried.

Senator Allen made a motion the committee accept the proposed amendment by Rich McKee. Senator Norvell seconded the motion. Motion carried.

Senator Gordon made a motion the committee recommend Substitute HB 3027 favorably for passage as amended. Senator Allen seconded the motion. Motion carried.

Senator Gannon adjourned the committee at 8:16 a.m.

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT
Forbes Field
Topeka, Kansas 66620-0001
Phone (913) 296-1500

Mike Hayden, Governor

Stanley C. Grant, Ph.D., Secretary
Gary K. Hulett, Ph.D., Under Secretary

Testimony Presented to
Senate Agriculture Committee

by

Kansas Department of Health and Environment

House Bill 3027

This bill is the result of the Environmental Protection Agency (EPA) notifying the Kansas Department of Health and Environment (KDHE) that the Kansas statutes codified at K.S.A. 65-164 et seq. were no longer in compliance with the provisions of the Clean Water Act. Pursuant to the delegation of authority to administer the National Pollution and Discharge Effluent System (NPDES) program under the Clean Water Act, the State must meet and maintain such compliance.

The amendments set forth in HB 3027 were arrived at through negotiation with EPA at both the local and national level relative to the current requirements of the Clean Water Act.

There are two major statutory changes:

Section 2. Increase in the penalty amount to \$10,000 for violations of the Act.

Section 3. Allows intervention by non-parties in certain proceedings.

We support House Bill 3027.

Presented by: L. Patricia Casey
Acting General Counsel
April 6, 1988

Office Location: Landon State Office Building—900 S.W. Jackson

attachment 1
4-6-88

Substitute for HOUSE BILL No. 3027

By Committee on Energy and Natural Resources

3-30

0017 AN ACT concerning water; relating to the protection of water _____65-162a,
0018 from pollution; amending K.S.A. 65-165, 65-167 and 65-170e
0019 and K.S.A. 1987 Supp. [2-3302, 2-3304, 2-3305, 2-3306, 2-3307,
0020 2-3308 and] 65-171d and repealing the existing sections.

0021 Be it enacted by the Legislature of the State of Kansas: _____ Insert Section 1, attached
0022 Section 1. K.S.A. 65-165 is hereby amended to read as fol-
0023 lows: 65-165. Upon application made to the secretary of health
0024 and environment by the public authorities having by law the
0025 charge of the sewer system of any municipality, township,
0026 county, or legally constituted sewer district, or any person,
0027 company, corporation, institution, municipality or federal
0028 agency, the secretary of health and environment shall consider
0029 the case of such a sewage discharge or sewer system, otherwise
0030 prohibited by this act from discharging sewage into any of the
0031 waters of the state, or the extension of a sewer system and
0032 whenever it is the secretary's opinion that the general interests
0033 of the public health would be served thereby, or that the dis-
0034 charge of such sewage would not detract from the quality of the
0035 waters of the state for their beneficial uses for domestic or public
0036 water supply, agricultural needs, industrial needs, recreational
0037 needs or other beneficial use and that such discharge meets or
0038 will meet all applicable state water quality standards and appli-
0039 cable federal water quality and effluent standards under the
0040 provisions of the federal water pollution control act and amend-
0041 ments thereto as in effect on January 1, 1984 1988, the secretary
0042 of health and environment shall issue a permit for the extension
0043 of a sewer system or for the discharge of sewage, or both, and
0044 shall stipulate in the permit the conditions on which such dis-
0045 charge will be permitted and shall require such treatment of the

attachment 2
4-6-88

Section 1. K.S.A. 65-162a is hereby amended to read as follows: 65-162a. As used in K.S.A. 65-163 and 65-163a, and in K.S.A. 65-171m to through 65-171t, inclusive and amendments thereto, unless the context clearly requires otherwise, ~~the following words and phrases shall have the meanings respectively ascribed to them in this section:~~

(a) "Person" means an individual, corporation, company, association, partnership, state, municipality or federal agency.

(b) "Public water supply system" means a system for the provision to the public of piped water for human consumption, if such system has at least ~~ten--(10)~~ 10 service connections or regularly serves an average of at least ~~twenty-five--(25)~~ 25 individuals daily at least ~~sixty--(60)~~ 60 days out of the year. Such term includes any source, treatment, storage or distribution facilities under control of the operator of the system and used primarily in connection with the system, and any source, treatment, storage or distribution facilities not under such control but which are used in connection with such system. Public water supply system shall not include a feedlot licensed pursuant to K.S.A. 47-1501 et seq., and amendments thereto.

(c) "Secretary" means the secretary of health and environment.

(d) "Supplier of water" means any person who owns or operates a public water supply system.

Renumber the remaining sections accordingly

- 0453 Sec. 5 [11]. K.S.A. 65-165, 65-167 and 65-170e and K.S.A.
0454 1987 Supp. [2-3302, 2-3304, 2-3305, 2-3306, 2-3307, 2-3308 and]
0455 65-171d are hereby repealed.
0456 Sec. 6 [12]. This act shall take effect and be in force from and
0457 after its publication in the statute book.