

Approved January 30, 1990
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Dennis Spaniol at
Chairperson

3:30 ~~xxx~~/p.m. on January 23, 1990 in room 526-S of the Capitol.

All members were present except:

Representative Barr (Excused)
Representative Freeman (Excused)
Representative Roenbaugh (Excused)

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research
Pat Mah, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Paul West, Budget Analyst
Maggie French, Committee Secretary

Conferees appearing before the committee:

John Baldwin, Chairman, Kansas Water Authority
Clark Duffy, Assistant Director, Kansas Water Office

Chairman Dennis Spaniol called the meeting to order. He announced it is not the policy of the committee to accept motions to approve minutes and the minutes stand approved unless there are objections from the committee.

Proposals for introduction as committee bills were presented by:

Bill Bryson, Kansas Corporation Commission (Attachment 1). Representative Grotewiel moved these bill requests be introduced. Motion seconded by Representative Holmes. Motion passed. Upon Mr. Bryson's request, the chairman stated HB 2455 would be researched and discussed at a later date.

Darrell Montei, Department of Wildlife and Parks (Attachment 2). Representative Sughrue moved to accept introduction of the bill requests. Motion seconded by Representative Lacey and passed.

David Traster, Assistant Secretary and General Counsel for the Department of Health and Environment (Attachments 3 and 4). Motion by Representative Shore to approve introduction of these bills was seconded by Representative McClure. Motion passed.

Chairman Spaniol stated the committee has a commitment to keep track of how money is spent on the State Water Bill. He introduced John Baldwin, Chairman, Kansas Water Authority. Mr. Baldwin recognized the committee and board members for help in obtaining permanent funding for this plan. Mr. Clark Duffy was called on to present an overview of Governor Hayden's recommendation to implement the State Water Plan for FY 1991 (Attachment 5) and a briefing on the Kansas Geographic Information System (Attachment 6). Mr. Duffy responded to questions from the committee as they arose. After discussion, the chairman requested Mr. Duffy to provide the committee with estimates on what total costs will be for the Kansas Geographic Information System data bases. He requested this information be provided to the Appropriations Sub-Committee that is responsible for water-related issues.

Chairman Spaniol requested the Kansas Water Office to provide the committee with (1) a list of the geographic areas of the state from which applications were received for the watershed dam construction program, and (2) the amount of monies expended on the Dakota Aquifer Study (since it appears to be an annual appropriation). The chairman stated discussions with the Appropriations Sub-Committee will be held as it appears requests for funds will far exceed the amount of funds available. In response to

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S Statehouse, at 3:30 ~~am~~ p.m. on January 23, 1990

a question about funds to be used in the counties, Mr. Duffy stated the objective is for as much of this money as possible to be used to address problems and needs across the state. The chairman suggested committee members contact Mr. Duffy if there are additional questions.

Mr. Paul West, Budget Analyst, stated preliminary investigation indicates adjustments will be required. The committee will be updated as the project is further analyzed.

The meeting adjourned at 4:52 p.m.

Date: 1-23-90

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME ORGANIZATION ADDRESS PHONE

NAME	ORGANIZATION	ADDRESS	PHONE
Pat Scott, RN	NEK Multi-Co. Health Dept	Hiawatha, Ks 66434	913-742-7192
Ramona Derousseau RN	Cloud County Health Dept.	Concordia, Ks 66901	913-243-3588
Terry Leatherman	KCCI	Topoka	357-6321
Rich McKee	KLA	Topoka	273-5115
Woody Woolman	KCPL	KC Mo	556-2155
Joe Lieber	Ks Co-op Council	Topoka	233-4085
Laura Egan	KDHE	Topoka	296-6917
John Strickler	Forestry, KSU	Manhattan	537-7050
Robert W. Brumby	KCS	Lawrence	864-3965
Lee C. Gubert	Kansas Biological Survey	Lawrence	864-3965
Shelley Sutton	KES	Topoka	233-1867
G. Hulitt	Gov. Office	Topoka	296-6240
Arthur Schum	KDHE	Topoka	296-1520
Alan Wentz	Kansas Wildlife Parks	Pratt	316-672-5911
B. Meinen	Kansas Wildlife Parks	Topoka	2281
David C. Kopl	DWR, KSBA	"	3710
Rebecca Rice	Amoco	Topoka	
Lu Eichenbaum	Kansas LP-Gas Assoc.	"	773-7245
Art Andrews	Siesta Club - Kansas Chapt.	"	862-0739
Kevin Higgins	KANSAS NATURAL RESOURCE COUNCIL INTERN	LAWRENCE (K.U.)	864-6649
Heather Lynn Higgins	KNRC Intern	Lawrence - K.U.	749-2817
Charlene Stinard	KNRC	1576 SW Topoka / T66612	749-1366

K.S.A. 55-1310

NOTICE REQUIREMENT FOR UNIT OPERATIONS

STATUTE AMENDMENT

ISSUE PAPER

January 16, 1989.

Submitted By:
Shari Feist Albrecht

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1-23-90*

ATTACHMENT 1

I. ISSUE:

Amendment of requirement in K.S.A. 55-1310 that Commission provide notice subject to the applicable reimbursement for the costs of providing notice.

II. BACKGROUND:

K.S.A. 55-1310 requires applicants for unit operations to file with the Commission a list showing the names and addresses of all oil and gas lessees and other oil and gas interest owners owning interests in the pool or part of the pool subject to the application. The statute further specifies that notice of the application and time and place of hearing are to be mailed to each of the persons indicated on the list and also published in appropriate newspapers. The statute requires that such notice is to be given by the Commission subject to the Commission's discretion to require the applicant to reimburse the cost of providing notice.

III. RECOMMENDATION:

Delete the language requiring the Commission to provide notice and the reference to the time frame for filing the list. The statute already provides that the list is to be filed "upon the filing of an application for the unit operation" See draft bill attached.

IV. FISCAL IMPACT:

There is no fiscal impact to the applicant since the Commission has discretion to require reimbursement for notice costs. By deleting the requirement that the Commission give notice, the burden is placed on the applicant to provide notice, as is the case with all other applications filed with the Commission.

55-1310. Procedures on unit operation plans; application of laws; notices; hearings, place of; publication of notice of applications and hearings; cost. All of the provisions and requirements of K.S.A. 55-605, 55-606, 55-607, 55-608, 55-609 and 55-611, and amendments thereto, with reference to the institution of proceedings, notices, hearings, subpoenaing of witnesses, oaths, orders, contempt, enforcement, injunctions, penalties for violation of the act or orders of the commission costs and other procedure and procedural requirements shall apply to and govern action by the commission and the interested person under this act the same as said provisions and requirements of said sections apply to and govern the action by the commission and the interested persons under the provisions of articles 6 and 7 of chapter 55 of the Kansas Statutes Annotated. The place of hearing on the application shall be as designated by the commission.

In addition to the notice provided for by K.S.A. 55-605, or such additional notice as the commission may require, notice of the filing of applications and hearings held pursuant to this act shall be given as follows: Upon the filing of an application for the unit operation of a pool or a part of a pool, the applicant shall file with the commission, ~~at least fifteen (15) days prior to the date set for the hearing,~~ a list showing the names and addresses of all oil and gas lessees and other oil and gas interest owners owning interests in the pool or the part of the pool underlying the lands described in the application and whose names and addresses applicant has been able to discover after diligent search and inquiry, which list shall also include lessors, mineral

owners and mortgagees of oil and gas interests of record. Notice of the application and the time and place of the hearing thereof shall be properly mailed by the applicant, postage prepaid, at least ten (10) days prior to the date set for the hearing, to all persons whose names and addresses are shown on the list. In addition thereto notices of all applications filed pursuant to this act and the time and the place of the hearing thereof shall be published in at least one (1) issue of a newspaper authorized by law to publish legal notices in the county or counties in which the lands involved are located and in such other newspaper as the commission may designate at least ten (10) days prior to the date set for the hearing. ~~The giving of the notice herein required shall be by the commission: Provided, The commission may require that the applicant or applicants advance the money with which to pay the cost thereof.~~

History: L. 1967, ch. 299, Section 10; L. 1974, ch. 231, Section 1; July 1.

K.S.A. 55-179
LEGALLY RESPONSIBLE OPERATORS
STATUTE AMENDMENT

ISSUE PAPER
January 16, 1989.

Submitted By:
Shari Feist Albrecht

I. ISSUE:

Amendment of requirement in K.S.A. 55-179(b) that legally responsible persons shall include the listed operators.

II. BACKGROUND:

K.S.A. 55-179, although newly enacted in 1986 as part of H.B. 3078, is essentially an amended K.S.A. 55-140 which was repealed with the enactment of H.B. 3078. See attached. While the other "amended" provisions contained in K.S.A. 55-179 pose no problem, the amendment in paragraph (b) changing the language in K.S.A. 55-140 from "may" to "shall" poses an enforcement problem for the Commission.

With use of the word "may" the Commission was able to exercise its discretion in determining legal responsibility. After investigation and accumulation of evidence, the Commission could consider the specific circumstances and determine whether one or any combination of the operators listed should be brought before it at a show cause hearing.

As a practical matter, the Commission primarily proceeded against the current or last operator at show cause hearings on the theory of caveat emptor, let the buyer beware. If an operator believed that he should not be singled out for responsibility, the burden shifted to him at the show cause proceeding to show why he should not be considered responsible or solely responsible and to bring forward evidence of the responsibility of an other operator or operators. The burden shifted in this manner since the operator should have personal knowledge of prior or subsequent operators of the abandoned well or lease through lease or lease assignment transactions. This information was and is not always available to the Commission since oil and gas leases and lease assignments are not required by law to be recorded.

The change to the word "shall" imposes a duty on the Commission to investigate every operator in the chain of operations of the abandoned well as a potentially legally responsible party. Such an investigation is unduly burdensome when one considers the age of most abandoned wells in Kansas (1930-1940 vintage), the frequency with which leases change hands, and the fact that leases or their assignments are not required to be recorded. The change in statutory language from "may" to "shall" has had a chilling effect on the determination of legal responsibility which the Commission believes contradicts the spirit and intent of K.S.A. 55-179.

III. RECOMMENDATION:

Return the statutory language ("shall") in paragraph (b) to "may".

IV. FISCAL IMPACT:

There is essentially no fiscal impact associated with the proposed amendment. The revision would enable the Commission to expend less time and staff resources in the investigatory stage and to determine legal responsibility more expeditiously.

Research and Practice Aids:

Mines and Minerals § 92.81.
Hatcher's Digest, Mines & Minerals §§ 16, 16½.
C.J.S. Mines and Minerals § 241.

Law Review and Bar Journal References:

The farmer as an oil and gas lessor. Polly Peppercorn Dyc, 11 K.L.R. 343, 358 (1963).
"The Safe Drinking Water Act and the Petroleum Industry: An Overview of the Kansas Underground Injection Control Program." Rosemary O'Leary and Kathy Stover, 51 J.K.B.A. 218, 222 (1982).

CASE ANNOTATIONS

1. Officer of corporation may be personally liable for willful failure to properly plug abandoned well. Kirk v. H.C.P. Corporation, Inc., 208 K. 777, 781, 494 P.2d 1087.

mended
55-140. Same; investigation by secretary or commission; findings; responsibility for remedial action; costs; hearings and orders; presumption of polluting, when. (a) Upon receipt of any complaint filed pursuant to K.S.A. 55-139, and amendments thereto, the commission or the secretary shall make an investigation for the purpose of determining whether such abandoned well is polluting or is likely to pollute any usable water strata or supply or causing the loss of usable water, or the commission or the secretary may initiate such investigation on its own motion. If the commission or the secretary shall determine:

(1) That such abandoned well is causing or likely to cause such pollution or loss; and
(2)(i) that no person is legally responsible for the proper care and control of such well; or (ii) that such person so legally responsible for the care and control of such well is dead or no longer in existence or insolvent or cannot be found, then, within 60 days after completing its investigation, the commission shall plug, replug or repair such well, or cause it to be plugged, replugged or repaired, in such a manner as to prevent any further pollution or danger of pollution of any usable water strata or supply or loss of usable water. The cost of such plugging shall be paid by the commission from the conservation fee fund. For the purposes of this section, a person who is legally responsible for the proper care and control of an abandoned well may include, but is not limited to, the following: Any operator of a waterflood or other pressure maintenance program deemed to be causing pollution or loss of usable water; the current or last operator of the lease upon which such well is located, irrespective of whether such operator plugged or abandoned such well; and

the original operator who plugged or abandoned such well.

(b) Whenever the commission or the secretary determine that a well has been abandoned and is causing or is likely to cause pollution of any usable water strata or supply or loss of usable water, and whenever the commission or the secretary shall have reason to believe that a particular person is legally responsible for the proper care and control of such well, the commission shall cause such person to come before it at a hearing held substantially in the manner prescribed by K.S.A. 55-605, and amendments thereto, and to show cause why the requisite care and control has not been exercised with respect to such well. After such hearing, if the commission finds that such person is legally responsible for the proper care and control of such well and that such well is abandoned, in fact, and is causing or is likely to cause pollution of any usable water strata or supply or loss of usable water, the commission may make any order or orders prescribed in K.S.A. 55-162. Proceedings for rehearing and review of any of the commission's orders may be held pursuant to K.S.A. 55-606, and amendments thereto.

(c) For the purpose of this act and the acts of which this act is amendatory, any well which has been abandoned, in fact, and has not been plugged pursuant to the rules and regulations in effect at the time of plugging such well shall be and is hereby deemed likely to cause pollution of a usable water strata or supply.

History: L. 1949, ch. 308, § 2; L. 1953, ch. 284, § 3; L. 1971, ch. 187, § 3; L. 1982, ch. 228, § 18; July 1.

Law Review and Bar Journal References:

The farmer as an oil and gas lessor. Polly Peppercorn Dyc, 11 K.L.R. 343, 358 (1963).
"The Safe Drinking Water Act and the Petroleum Industry: An Overview of the Kansas Underground Injection Control Program." Rosemary O'Leary and Kathy Stover, 51 J.K.B.A. 218, 222, 227 (1982).

55-140a. Same; no admission of liability; testing and investigation of pollution; cause of action for plugging expense; liens. (a) The fact that any person has initiated or supported a proceeding before the commission or has remedied or attempted to remedy the condition of any well under the authority of this act, shall not be construed as an admission of liability or received in evidence against such person in any action

55-179. Investigation of complaint by the commission; findings; responsibility for remedial action; costs; hearings; orders. (a) Upon receipt of any complaint filed pursuant to K.S.A. 1987 Supp. 55-178 and amendments thereto, the commission shall make an investigation for the purpose of determining whether such abandoned well is polluting or is likely to pollute any usable water strata or supply or causing the loss of usable water, or the commission may initiate such investigation on its own motion. If the commission determines;

(1) That such abandoned well is causing or likely to cause such pollution or loss; and

(2) (A) that no person is legally responsible for the proper care and control of such well; or (B) that such person so legally responsible for the care and control of such well is dead or no longer in existence or insolvent or cannot be found, then, within 60 days after completing its investigation, the commission shall plug, replug or repair such well, or cause it to be plugged, replugged or repaired, in such a manner as to prevent any further pollution or danger of pollution of any usable water strata or supply or loss of usable water. The costs of such plugging shall be paid by the commission from the conservation fee fund.

(b) For the purposes of this section, a person who is legally responsible for the proper care and control of an abandoned well shall may include, but is not limited to, the following: Any operator of a waterflood or other pressure maintenance program deemed to be causing pollution or loss of usable water; the current or last operator of the lease upon which such well is located,

irrespective of whether such operator plugged or abandoned such well; and the original operator who plugged or abandoned such well.

(c) Whenever the commission determines that a well has been abandoned and is causing or is likely to cause pollution of any usable water strata or supply or loss of usable water, and whenever the commission has reason to believe that a particular person is legally responsible for the proper care and control of such well, the commission shall cause such person to come before it at a hearing held in accordance with the provisions of the Kansas administrative procedure act to show cause why the requisite care and control has not been exercised with respect to such well. After such hearing, if the commission finds that such person is legally responsible for the proper care and control of such well and that such well is abandoned, in fact, and is causing or is likely to cause pollution of any usable water strata or supply or loss of usable water, the commission may make any order or orders prescribed in K.S.A. 55-162, and amendments thereto. Proceedings for reconsideration and judicial review of any of the commission's orders may be held pursuant to K.S.A. 55-606, and amendments thereto.

(d) For the purpose of this section, any well which has been abandoned, in fact, and has not been plugged pursuant to the rules and regulations in effect at the time of plugging such well shall be and is hereby deemed likely to cause pollution of any usable water strata or supply.

(e) For the purpose of this section, the person legally responsible for the proper care and control of an abandoned well shall not include the landowner or surface owner unless the landowner or surface owner has operated or produced the well, has deliberately altered or tampered with such well thereby causing the pollution or has assumed by written contract such responsibility.

History: L. 1986, ch. 201, Section 31; L. 1986, Ch. 356, Sec. 165; July 1.

PROPOSED LEGISLATION

SUMMARY

The Kansas Corporation Commission (KCC) would like to exempt customer-owned, nonprofit utilities of less than 100 customers with no full-time employees from its economic jurisdiction. The traditional economic rationale for utility regulation does not apply to them. The Commission is asking that a new section, K.S.A. 66-104c be added to current statutes.

BACKGROUND

Three utilities should be exempted from KCC economic regulation. The traditional economic rationale for utility regulation does not apply to them. They are M&R Gasline, which has seven customer/owners outside of Chanute and less than two miles of pipeline; Scotsman Estate Association, a water company with 35 customer/owners outside of Buffalo; and Cherokee Cooperative Water Co., which has 14 customer/owners outside of Coffeyville. Another small utility, Onion Creek Water, which is in default on loan payments, has been seized by the lending bank. The lending bank is now looking for a buyer and has approached the customers of Onion Creek. If the company were sold to its customers, it would also qualify under the proposed exemption. Onion Creek has 26 customers outside of Coffeyville.

These utilities are small, owned by their customers, have no commercial customers and have no full-time employees. The employees are often unpaid volunteers with little or no knowledge of regulation. These utilities serve small unincorporated residential communities; each of which has an equal vote in the operation of the utility (with the current exception of Onion Creek).

The function of a public utility commission is to protect consumers of utility monopolies from monopolistic behavior and rates. Investor-owned utilities, absent regulation, would tend to operate in such a manner as to maximize the return to its investors at the expense of its customers. For the small utilities mentioned above, each customer is an investor; so there is no reason for the utility to charge rates higher than necessary for the operation of the utility. Our Consumer Protection Office has never received a complaint from the customer/owners of any of these utilities.

The KCC proposes that the Legislature exempt from its jurisdiction, those nonprofit utilities in which: (a) every customer is an owner of the utility (b) there are no full-time paid employees, and (c) there are no more than 100 customers. State legislation would need to be worded similar to the example on the following page.

AN ACT relating to powers of the state corporation commission; concerning the exemption of certain public utilities from Commission economic regulation; amending K.S.A. 66-104 by adding a new section.

Be it enacted by the Legislature of the State of Kansas

New Section c. Certain nonprofit utilities not subject to commission jurisdiction; conditions. (a) Except as otherwise provided in subsection (b), no nonprofit public utility shall be subject to the jurisdiction, regulation, supervision and control of the state corporation commission if it meets the following conditions: (1) Every customer, household, or meter owner is an automatic owner of the utility and has an equal vote on matters concerning the utility; (2) the utility employs no full-time employees; and (3) the utility has no more than 100 customers.

(b) The state corporation commission shall retain jurisdiction and control over the utility's service territory and over all matters concerning natural gas pipeline safety.

FISCAL IMPACT

This proposal will reduce KCC budget requirements by a small amount. When companies this small bring a rate case before the Commission, they do not get charged the full cost of the proceeding because the costs of the case will generally be higher than the increase sought. Customers of other utilities end up subsidizing much of these costs through higher quarterly assessments. The change in law will also free up KCC personnel to concentrate on other Commission matters.

OTHER AGENCIES IMPACTED

None.

AFFECTED GROUPS

The customer/owners of the utilities named and the customer/owners of any utility which is formed or reformed in accordance with these provisions would be affected. The KCC can foresee no opponents to this legislation.

_____BILL NO._____

by

AN ACT concerning the disposition of firearms confiscated by law enforcement officers; amending K.S.A. 21-4206 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 21-4206 is hereby amended to read as follows: 21-4206. (1) Upon conviction of a violation of ~~sections~~ K.S.A. 21-4201, 21-4202 or 21-4204, and amendments thereto, any weapon seized in connection therewith shall remain in the custody of the trial court.

(2) Any stolen weapon so seized and detained, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons when no longer needed for evidentiary purposes, shall in the discretion of the trial court, be destroyed, preserved as county property, forfeited to the law enforcement agency seizing the weapon or sold and the proceeds of such sale shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto. All weapons forfeited to any law enforcement agency ~~shall may~~ be traded for materials for use by such law enforcement agency ~~or~~ sold and the proceeds thereof used for law enforcement purposes, or such agency may donate any such weapons to the

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department of wildlife and parks.

Sec. 2. K.S.A. 21-4206 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Bureau: Bureau of Water

Date: November 20, 1989

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BILL BRIEF

Title: Protection of Water from Pollution:
Public Intervention

I. Purpose/Reason for Proposed Legislation

In 1985, the department received an evaluation from EPA regarding our water pollution discharge permit program. For several years, the department negotiated the various issues raised by EPA. Statutory changes required were negotiated and ultimately a series of five questions were submitted to the attorney general for his opinion concerning the adequacy of the Kansas statutes.

II. Bill Summary

The proposed amendment brings Kansas statutes into compliance with the regulations (40 CFR Part 123) entitled, "State Program Requirements." A subpart 123.27 entitled "Requirements for Enforcement Authority" provides for public participation. We have allowed intervention as a right in certain civil or administrative actions.

III. Legislative History

This bill was introduced, House Bill 3027, in an expanded form in the 1988 session of the legislature. In 1989 the Senate passed Senate Bill 120 to the House Committee on Energy and Natural Resources, which voted down portions of the bill unanimously. The committee's concern was over allowing public intervention. The 1989 amendment does not satisfy the federal regulations.

IV. Impact on Other Agencies or KDHE Bureaus

The proposed legislation will bring the Kansas water pollution control permitting system into compliance with the federal Clean Water Act. The Kansas Natural Resource Council has petitioned EPA to withdraw administration of the Kansas

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wastewater permit program due to this deficiency. This action could result in Kansas forgoing up to \$650,000 in federal grant money for Kansas wastewater programs.

V. Fiscal Impact

Fiscal impact would be the increased cost incurred in legal actions by allowing the intervention of citizens. The department is not requesting any additional funds to implement this bill.

PROPOSED BILL NO. _____

By

AN ACT authorizing certain actions in court; relating to public water supply systems; amending K.S.A. 1989 Supp. 65-170e and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1989 Supp. 65-170e is hereby amended to read as follows: 65-170e. (a) The attorney general, upon the request of the secretary of health and environment, may bring an action in the name of the state of Kansas in the district court of the county in which any person who violates any of the provisions of this act may do business, to recover penalties or damages as provided by this act.

(b) Any person having an interest which is or may be affected shall have the right to intervene in any civil actions brought under this section or K.S.A. 65-171b, and amendments thereto, or in administrative actions subsequent to the issuance of an administrative order by the agency pursuant to K.S.A. 65-164, 65-170d or 65-171d and amendments thereto or article 6 of chapter 77 of the Kansas Statutes Annotated to enforce the provisions of the national pollutant discharge elimination system program as approved by the administrator of the United States environmental protection agency pursuant to sections 318, 402 and 405 of the clean water act, as in effect on January 1, 1989, which seek:

(1) Restraint of persons from engaging in unauthorized activity which is endangering or causing damage to public health or the environment;

(2) injunction of threatened or continuing violations of this act, rules and regulations promulgated thereunder and permit conditions;

(3) assessment of civil penalties for violations of ~~the~~ this act, rules and regulations promulgated thereunder, permit conditions or orders of the director of environment or secretary of health and environment.

Sec. 2. K.S.A. 1989 Supp. 65-170e is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Bureau: Air and Waste Management

Date: November 20, 1989

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

BILL BRIEF

Title: Hazardous Waste Permit and Monitoring Fees

I. Purpose/Reason for Proposed Legislation

Statutory changes are proposed in K.S.A 65-3431 and 65-3437 for the purpose of: (1) Establishing the authority for the Secretary to assess fees to recover the costs of reviewing, evaluating and administering the provisions of new or modified environmental permits; (2) Broadening the authority of the Secretary to assess fees to recover the costs of monitoring specific hazardous waste facilities to include assessment of a quantity based fee for off-site hazardous waste treatment and disposal facilities; and (3) Updating and clarifying ambiguities in the current statutory language in response to program experience since the passage of the original law.

II. Bill Summary

Amendments to the statute create a new paragraph (w) in K.S.A. 65-3431 that provides authority for the Secretary to establish a schedule of fees to be paid at the time of submittal of applications for new or modified hazardous waste facilities. This fee is limited to a maximum of \$250,000 and is to be deposited in a newly established environmental permit fund. The principal intended uses for this fund are described in the amendments and relate primarily to the recovery of costs associated with the review and on-going implementation of environmental permits. The Secretary is authorized to expend monies from this fund.

A second amendment creates a new paragraph (x) that provides authority for the Secretary to establish a schedule of fees to be paid by off-site hazardous waste treatment and disposal facilities based upon the quantity of waste treated or disposed of. Monies collected will be divided among three existing funds: 25% to the state general fund, 50% to the environmental permit fund established under (w) above and 25% to the hazardous waste collection fund established under Senate Bill 6, the Household Hazardous Waste Law. The monies deposited to the environmental permit fund are to be used to pay the costs of exceptional monitoring requirements associated with environmental permits such as specialized air

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samples, soil samples, process samples or water samples or for quality assurance surveillance such as waste analysis.

Several other minor amendments are being made to the statute to clarify ambiguities in existing statutory language and to update the fee limitations to accommodate increases in operating costs that have occurred since the passage of the original law. These include:

1. Increasing the limitation for the annual monitoring fee from \$25,000 to \$50,000 in K.S.A. 65-3431(u).
2. Eliminating the reference to "permittee" in K.S.A. 65-3431(u) to prevent confusion related to the applicability of this provision.
3. Changing the procedure in K.S.A. 65-3431(v)(1) calculating the disposal facility closure fees from cubic feet to pounds.
4. Changing the provisions in K.S.A. 65-3431(v)(2) related to expenditure of funds in an emergency to clarify the applicability of this provision.
5. K.S.A. 65-3437(b) is amended to delete the provisions related to permit applications for hazardous waste injection wells because these requirements have been incorporated into the new subsection K.S.A. 65-3431(w).

III. Legislative History

K.S.A. 65-3430 et seq. was enacted during the 1981 Kansas Legislative Session and amended a number of times. It was significantly amended in 1986 to include the recommendations of the Injection Well Task Force.

IV. Impact on Other Agencies or KDHE Bureaus

It is not anticipated that other state agencies or KDHE bureaus will be impacted by this proposed legislation.

V. Fiscal Impact

The implementation of these amendments are not expected to result in significant increases in administrative costs for the agency although several administrative regulations will need to be amended. These changes will, however, result in changes in the fees collected by the agency and in the resources directly available to the Department to administer its hazardous waste permit program. An estimate of the impact of the amendments upon fee revenues is described in the

narrative below and tabulated in Attachment 1.

As indicated in Attachment 1, the regulations that will be promulgated in response to these amendments will impact four state revenue funds. The state general fund will receive an increase in receipts as a result of the new monies collected from the off-site treatment and disposal fees and small increases in the annual permit fees. The off-site treatment and disposal fee would currently impact only one facility in Kansas provided the permit process for the Aptus facility in Coffeyville is completed in FY 1991. The small increases in annual monitoring fees would impact only slightly the approximately 250 hazardous waste generators, 200 hazardous waste transporters and 35 hazardous waste treatment, storage and disposal facilities currently regulated.

The new environmental permit fund will receive new monies from the newly established permit application fee as well as a share of the off-site treatment and disposal fees. Monies will be received as permit application fees only in the event that applications for new or modified permits for hazardous waste facilities are received. While difficult to predict, it is expected that at least one application for a significant modification will be received during FY 1991 and would generate an additional revenue of approximately \$25,000.

The hazardous waste collection fund will also receive a share of the funds collected as off-site hazardous waste treatment and disposal fees.

Only a very minor increase in funds is expected to be available to the perpetual care trust fund as indicated in Attachment 1.

ATTACHMENT 1

1. State General Fund

<u>Revenue Source</u>	(Actual FY 1989) Current	(Est. FY 1991) Amendments
Annual Monitoring Fees	\$333,530	\$350,000
Off-Site Treatment Fees	not applicable	150,000
TOTAL	\$333,530	\$500,000

2. Environmental Permit Fund

	(Actual FY 1989) Current	(Est. FY 1991) Amendments
Application Fee	not applicable	\$ 25,000
Off-Site Treatment Fee	not applicable	300,000
TOTAL		\$325,000

3. Hazardous waste collection fund (Household)

<u>Revenue Source</u>	(Actual FY 1989) Current	(Est. FY 1991) Amendments
State General Fund	\$150,000	\$ -0-
Off-Site Treatment Fee	not applicable	150,000
TOTAL	\$150,000	\$150,000

4. Perpetual Care Trust Fund

<u>Revenue Source</u>	(Actual FY 1989) Current	(Est. FY 1991) Amendments
Disposal Facility Closure	\$ 11,431	\$ 15,000

Received from Revisor's Office
1/17/90

9 RS 1756

PROPOSED BILL NO. _____

By

AN ACT concerning health and environment; hazardous wastes; fees; amending K.S.A. 65-3437 and K.S.A. 1989 Supp. 65-3431 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1989 Supp. 65-3431 is hereby amended to read as follows: 65-3431. The secretary is authorized and directed to: (a) Adopt such rules and regulations, standards and procedures relative to hazardous waste management as shall be necessary to protect the public health and environment and enable the secretary to carry out the purposes and provisions of this act.

(b) Report to the legislature on further assistance needed to administer the hazardous waste management program.

(c) Administer the hazardous waste management program pursuant to provisions of this act.

(d) Cooperate with appropriate federal, state, interstate and local units of government and with appropriate private organizations in carrying out the duties under this act.

(e) Develop a statewide hazardous waste management plan.

(f) Provide technical assistance, including the training of personnel, to industry, local units of government and the hazardous waste management industry to meet the requirements of this act.

(g) Initiate, conduct and support research, demonstration projects, and investigations and coordinate all state agency research programs with applicable federal programs pertaining to hazardous waste management.

(h) Establish policies for effective hazardous waste management.

(i) Authorize issuance of such permits and orders, conduct inspections and collect samples or require information and copy records or data as may be necessary to implement the provisions of this act and the rules and regulations and standards adopted pursuant to this act.

(j) Conduct and contract for research and investigations in the overall area of hazardous waste storage, collection, transportation, treatment, recovery and disposal including, but not limited to, new and novel procedures.

(k) Adopt rules and regulations establishing criteria for identifying the characteristics of hazardous waste and for listing hazardous waste. The secretary shall prepare and keep current a listing of hazardous wastes and set of characteristics based on the rules and regulations adopted pursuant to this subsection. The listing shall identify, but need not be inclusive of, all the hazardous waste subject to the provisions of this act. The criteria for identification and listing shall be consistent with the criteria for identification and listing adopted by the administrator of the United States environmental protection agency under the authority vested in the administrator by the Resource Conservation and Recovery Act of 1976 (42 USC 6921) as amended by the Solid Waste Disposal Act of 1980 (P.L. 94-482, October 21, 1980), and as amended by the Hazardous and Solid Waste Act of 1984 (P.L. 98-616, November 8, 1984).

(l) Adopt rules and regulations establishing: (1) Appropriate measures for monitoring generators, transporters and facilities during operation, closure, and after closure of such facilities to insure compliance with the rules and regulations adopted under this act and any permit issued under this act; (2) procedures to suspend operation of such generators, transporters or facilities as may be required to protect the public health and safety or the environment; and (3) appropriate measures to insure that any use of a hazardous waste disposal facility after closure will not endanger the public health or safety or the environment.

(m) Adopt rules and regulations establishing standards for

hazardous waste generators including, but not limited to, notification of hazardous waste generation, reporting, recordkeeping, labeling, containerization, source separation, storage, manifests, monitoring, sampling and analysis and manner of filing notifications, reports and manifests.

(n) Adopt rules and regulations prescribing the form of the manifest and requiring such manifest to accompany any hazardous waste collected, transported, treated, recovered or disposed of, and prescribing the contents of the manifest which shall include, but not be limited to the quantity and composition of the hazardous waste, generator, transporter, destination, facility and the manner of signing and filing of the manifest and for the maintenance of records.

(o) Adopt rules and regulations establishing standards for routes used for transporting hazardous waste within the state with the concurrence of the state corporation commission. Such standards shall be consistent with those of the United States department of transportation and the state corporation commission, with respect to transportation of hazardous materials. Motor vehicles which are used for the transportation of hazardous waste in accordance with this act shall be exempt from the requirements of K.S.A. 66-1,108 et seq. and amendments thereto, and any rules and regulations adopted thereunder pertaining to routes which shall be under the jurisdiction of the secretary as provided in this act including any rules and regulations adopted thereunder. Otherwise such motor vehicles shall be subject to the requirements of K.S.A. 66-1,108 et seq. and amendments thereto, and any rules and regulations adopted thereunder.

(p) Adopt rules and regulations establishing standards for transporters of hazardous waste including, but not limited to, notification of hazardous waste transport, manifests, labeling, recordkeeping and the filing of reports.

(q) Adopt rules and regulations establishing standards and procedures to protect public health and the environment from any

release of hazardous waste into the environment and to insure the prompt correction of any such release and damage resulting therefrom by the person transporting, handling or managing such hazardous waste.

(r) Adopt rules and regulations requiring that, for such period of time as the secretary shall specify, any assignment, sale, conveyance or transfer of all or any part of the real property upon which a hazardous waste treatment, storage or disposal facility is or has been located shall be subject to such terms and conditions as to the use of such property as the secretary shall specify to protect human health and the environment.

(s) Adopt rules and regulations establishing a permit system which includes standards for facilities and procedures for implementation of a permit system for the construction, alteration, or operation of a hazardous waste treatment, storage or disposal facility including, but not limited to, content of applications, evidence of financial responsibility, existing hydrogeological characteristics, environmental assessment, training of personnel, maintenance of operations, qualifications of ownership, continuity of operation, public notification and participation and compliance with those standards established pursuant to subsection (t).

(t) Adopt rules and regulations establishing minimum standards for the design, location, construction, alteration, operation, termination, closing and long-term care of facilities for the treatment, storage or disposal of hazardous waste including, but not limited to, notification of hazardous waste treatment, storage or disposal, general facility standards, contingency plans, emergency procedures, manifest system, recordkeeping, inspections, monitoring, reporting, closure and postclosure plans and financial requirements. The operator of the facility shall be responsible for long-term care of the facility for 30 years after closure of the facility except that the secretary may modify the long-term care requirements for any

facility when all hazardous waste is removed from the facility at closure. The secretary may extend the long-term care responsibility of any operator of a facility as the secretary may deem necessary to protect the public health and safety or the environment. Any person acquiring rights of possession or operation of any facility permitted by the secretary for the treatment, storage or disposal of hazardous waste at any time after the facility has begun to accept waste and prior to the end of the required period of long-term care shall be subject to all of the requirements, terms and conditions of the permit for the facility including all requirements relating to long-term care of the facility. The sale or acquisition of a hazardous waste disposal facility during the long-term care period shall be subject to the assignment of long-term care responsibilities as determined by the secretary.

(u) Adopt rules and regulations establishing a schedule of annual fees to be paid to the secretary by: (1) Permittees Persons owning or operating hazardous waste treatment, storage or disposal facilities; (2) hazardous waste transporters; or (3) hazardous waste generators producing or bringing into existence hazardous waste in Kansas. The fees shall be for monitoring facilities both during and after operation, for monitoring generators of hazardous waste in Kansas and for monitoring the transportation of hazardous wastes. The fees shall be sufficient to reimburse the cost of the state in performing these monitoring responsibilities. The fee established under this subsection for each hazardous waste ~~disposal~~ facility shall not exceed ~~\$25,000~~ \$50,000 annually. In setting fees, the secretary may exempt those fees which would be payable by generators for hazardous waste which is treated to recover substantial amounts of either energy or materials from hazardous wastes. The secretary shall remit any moneys collected from such fees to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state general fund.

(v) (1) Adopt rules and regulations establishing a schedule

of fees to be paid to the secretary by permittees operating hazardous waste disposal facilities. In establishing fees, the secretary shall give consideration to degree of hazard, costs of treatment and disposal, estimated future receipts and estimated future expenses to the state for monitoring, maintenance and supervision of the facilities after closure. Fees shall be in an amount not to exceed ~~\$.25--per--cubic--foot~~ \$.01 per pound of hazardous waste disposed of. Each permittee, as an advance payment of the fees authorized under this subsection, shall remit to the secretary an amount to be established by the secretary not to exceed \$25,000 upon request and notification by the secretary that an initial application for a permit or initial renewal thereof has been approved, subject to receipt of the advance payment. Commencing with the second renewal, no advance payment shall be required. The advance payment shall constitute a credit against any fee which may be assessed pursuant to this subsection.

(2) The secretary shall remit any moneys collected pursuant to this subsection to the state treasurer to be deposited in the state treasury and credited to the hazardous waste perpetual care trust fund, which fund is hereby limited to the following uses: (A) Payment of extraordinary costs of monitoring a permitted hazardous waste disposal facility after the responsibility of the operator has terminated; (B) payment of costs of repairing a hazardous waste disposal facility, as a result of a postclosure occurrence which poses a substantial hazard to public health or safety or to the environment. If an expenditure made under this subsection would not have been necessary had the person responsible for the operation or long-term care of the permitted hazardous waste disposal facility complied with the requirements of a plan of operation approved by the secretary when the permit was issued, a cause of action in favor of the fund shall be accrued to the state of Kansas against such person, and the secretary shall take such action as is appropriate to enforce this cause of action by recovering any amounts so expended. The

net proceeds of any such recovery shall be paid into the fund; and (C) on an emergency basis up to 20% of the balance in the hazardous waste perpetual care trust fund may be allocated for investigation, engineering and construction related to the removal, treatment and disposal of hazardous waste disposed of in any hazardous waste disposal facility ~~closed prior to the date of this act~~, when such hazardous waste is found to pose an imminent and substantial risk to the public health or safety or the environment.

(3) The pooled money investment board may invest and reinvest moneys in the hazardous waste perpetual care trust fund established under this subsection in obligations of the United States or obligations the principal and interest of which are guaranteed by the United States or in interest-bearing time deposits in any commercial bank located in Kansas or, if the board determines that it is impossible to deposit such moneys in such time deposits, in repurchase agreements of less than 30 days' duration with a Kansas bank or with a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof. Any income or interest earned by such investments shall be credited to the hazardous waste perpetual care trust fund.

(4) All expenditures from the hazardous waste perpetual care trust fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for the purposes set forth in this subsection.

(w) (1) Adopt rules and regulations establishing a schedule of fees to be paid to the secretary by applicants for permits to construct, modify, or operate a hazardous waste facility. The fees established under this subsection shall not exceed \$250,000 for each application submitted. These fees shall be based upon resources required to review the application, the type of

facility, quantity of waste processed, type of waste processed, degree of hazard, and potential impact upon human health and environment.

(2) The secretary shall remit any money collected pursuant to this subsection to the state treasurer to be deposited in the state treasury and credited to the environmental permit fund, which fund is hereby established. Moneys from the fund may be expended for the following purposes: (A) Technical reviews of applications for permits including permit modifications and permit renewals for hazardous waste facilities; (B) evaluating options available to applicants for minimizing the generation of hazardous wastes; (C) completing background investigations of applicants pursuant to subsection (c) of K.S.A. 65-3437 and amendments thereto; (D) completing the site investigations pursuant to subsection (d) of K.S.A. 65-3437 and amendments thereto; or (E) assuring that the permittee fulfills all permit conditions during the effective period of the permit.

(3) The pooled money investment board may invest and reinvest moneys in the environmental permit fund established under this subsection in obligations of the United States or obligations the principal and interest of which are guaranteed by the United States or in interest-bearing time deposits in any commercial bank or trust company located in Kansas or, if the board determines that it is impossible to deposit such moneys in such time deposits, in repurchase agreements of less than 30 days' duration with a Kansas bank or with a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof. Any income or interest earned by such investments shall be credited to the environmental permit fund.

(4) All expenditures from the environmental permit fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to

vouchers approved by the secretary for the purposes set forth in this subsection.

(x) (1) Adopt rules and regulations establishing a schedule of fees to be paid to the secretary by off-site hazardous waste treatment and disposal facilities. In establishing fees, the secretary shall give consideration to the degree of hazard, quantity of waste, costs of treatment or disposal, and estimated future receipts. Fees shall be in an amount not to exceed \$.05 per pound of hazardous waste treated or disposed of.

(2) The secretary shall remit any money collected pursuant to this subsection to the state treasurer to be deposited in the state treasury and credited in the following manner: (A) State general fund, 25 percent; (B) environmental permit fund, 50 percent; and (C) hazardous waste collection fund, 25 percent.

(w) (y) Encourage, coordinate or participate in one or more waste exchange clearing houses for the purpose of promoting reuse and recycling of industrial wastes.

(x) (z) Adopt rules and regulations establishing the criteria to specify when a change of principal owners or management of a hazardous waste treatment, storage or disposal facility occurs and under what circumstances and procedures a new permit shall be required to be issued to the transferees of a facility which was permitted to the transferor.

(y) (aa) Adopt rules and regulations concerning the generation, transportation, storage, blending, marketing, burning and types of hazardous waste for which any method, technique or process to recover energy will be considered hazardous waste treatment. Such rules and regulations should specify a minimum heat value of the waste so as to ensure that a legitimate energy recovery will occur and should consider other characteristics of the waste which are appropriate to ensure that such method, technique or process for energy recovery will not pose a threat to the public health or environment.

Sec. 2. K.S.A. 65-3437 is hereby amended to read as follows:
65-3437. (a) No person shall construct, modify or operate a

hazardous waste facility or otherwise dispose of hazardous waste within this state without a permit from the secretary.

(b) The application for a permit shall contain the name and address of the applicant, the location of the proposed facility and other information considered necessary by the secretary, including proof of financial capability. ~~For initial review of an application for a hazardous waste underground injection well, the applicant shall submit an application fee not to exceed \$25,000 with the permit application. After the initial review of a permit application, the secretary shall determine the cost of such review. If the cost is less than the application fee required by this subsection, the secretary shall refund to the applicant the amount which exceeds the cost of review. In cases of a permitted facility submitting an application for the construction and operation of an additional well on the permitted site, the permit fee shall not exceed \$10,000. For renewal of a hazardous waste underground injection well permit, the permit holder shall submit a permit renewal fee not to exceed \$10,000, the amount of which shall be determined by the secretary.~~

(c) Before reviewing any application for permit, the secretary shall conduct a background investigation of the applicant. The secretary shall consider the financial, technical and management capabilities of the applicant as conditions for issuance of a permit. The secretary may reject the application without conducting an investigation into the merits of the application if the secretary finds that:

(1) The applicant currently holds, or in the past has held, a permit under this section and that while the applicant held a permit under this section the applicant violated a provision of subsection (a) of K.S.A. 65-3441, and amendments thereto; or

(2) the applicant previously held a permit under this section and that permit was revoked by the secretary; or

(3) the applicant failed or continues to fail to comply with any of the provisions of the air, water or waste statutes, including rules and regulations issued thereunder, relating to

environmental protection or to the protection of public health in this or any other state or the federal government of the United States, or any condition of any permit or license issued by the secretary; or if the secretary finds that the applicant has shown a lack of ability or intention to comply with any provision of any law referred to in this subsection or any rule or regulation or order or permit issued pursuant to any such law as indicated by past or continuing violations. In case of a corporate applicant, the secretary may deny the issuance of a permit if the secretary finds that the applicant or any person who holds an interest in, or exercises total or partial control of or does business with the applicant or a principal of the corporation was a principal of another corporation which would not be eligible to receive a permit because of the provisions of this act.

(d) Upon receipt of a permit application meeting the requirements of this section, the secretary or an authorized representative of the secretary shall inspect the location of the proposed facility and determine if the same complies with this act and the rules and regulations promulgated under this act. An inspection report shall be filed in writing by the secretary before issuing a permit and shall be made available for public review.

Sec. 3. K.S.A. 65-3437 and K.S.A. 1989 Supp. 65-3431 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

*Overview of Governor Hayden's
Recommendations to Implement the
State Water Plan for FY 1991*

Compiled By

Kansas Water Office

January 10, 1990

H ENERGY AND NR
1-23-90
ATTACHMENT 5

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**Department of Administration
Division of Information Systems and Communications
Geographic Information Systems**

Program Description: \$500,000 from the State Water Plan Fund would be utilized to acquire geographic information system (GIS) databases that are compatible with the State Water Plan as approved by the Kansas GIS Policy Board, based upon recommendations received from the Kansas Water Data Committee via the GIS Technical Advisory Committee. The databases would be purchased (e.g., Landsat data), developed (e.g., Wetlands Inventory data) and/or converted or modified (e.g., Water Rights data).

The \$46,108 from other funds would be for salary and fringe benefits for a GIS Manager (Information Resource Manager II) to manage the state's emerging geographic information system. This person would coordinate the acquisition of GIS databases, serve as chairman of the GIS Technical Advisory Committee, act as liaison between the technical advisory committee and the GIS Policy Board, prepare major GIS reports as needed for the Governor's office and the Legislature, prepare technical specifications for the acquisition of GIS hardware and software, review GIS acquisition requests from other agencies and supervise the eventual implementation and operation of a central GIS facility in DISC.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$500,000	\$500,000*	\$500,000*	\$500,000	\$500,000*
Other Funds	\$ 46,108	\$ 48,800*	\$ 48,800*	\$ 48,000*	\$ 48,000*
FTE	1	1	1	1	1

*These amounts will be determined from year to year by the GIS Policy Board

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Project was anticipated in the FY 1988 Monitoring, Data and Information Sub-section implemented in FY 1988.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas State Board of Agriculture
Division of Water Resources
Water Conservation Planning**

Program Description: The Governor recommends \$100,000 for grants for Water Conservation Plan review and approval procedures. This program will fund water conservation plan reviews authorized under K.S.A. 1988 Supp. 74-2608. The program will coordinate with the five groundwater districts and provide technical assistance in plan development. This program will be ongoing in future fiscal years.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Recommended in the 1985 Agricultural, Municipal and Industrial Conservation Sub-sections implemented in 1986.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas State Board of Agriculture
Division of Water Resources
Geographic Information System**

Program Description: The Governor recommends expenditures of \$50,000 for study of the existing Kansas Water Database operated through the Division of Information Systems and Communication. This information system was implemented in 1979 and requires revision to address the demands placed on the system by changes in state and federal law and by increasing emphasis on environmental concerns. Implementation of the new system will occur in future years.

The Governor recommends \$188,227 and 2.0 FTE positions for Geographic Information System implementation for water database computerization and digitalization. The recommendation will allow the Division of Water Resources to participate in the conversion of existing database files to the computer system. Also, data in the database will be digitalized so that it is compatible with Geographic Information Systems.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$238,227	\$316,423	\$320,584	\$199,849	\$204,220
FTE	2	2	2	2	2

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Project was anticipated in the FY 1988 Monitoring, Data, Information Sub-section implemented in FY 1988.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: These positions would not replace existing FTEs.

Recreation Project Goals: Not applicable

**State Conservation Commission
Watershed Dam Construction Program**

Program Description: K.S.A. 2-1905 provides a special state fund for cost-sharing assistance to watershed and other special purpose districts in the construction of detention dams and/or grade stabilization structures (Non P.L. 566 structures). All general plans and structure plans and specifications must be approved by the Chief Engineer, Division of Water Resources, State Board of Agriculture. An evaluation team, consisting of representatives from six agencies, evaluates applications and recommends the rank order for funding to the Commission. The Commission makes final authorization for funding of structures. The funds will be used to cost-share on the construction of 32 applications for flood control structures that have been submitted by 23 organized watershed districts in seven of the basins.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$1,177,248				
Other Funds	<u>500,000</u>				
Total	\$1,677,248	<u>\$3,586,771</u>	<u>\$3,960,872</u>	<u>\$3,490,652</u>	<u>\$3,023,392</u>
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Assists in implementation of the Rural Flooding, Reservoir Sedimentation and Stream Channelization Sub-sections of the Basin Sections.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**State Conservation Commission
Water Resources Cost-Share Program**

Program Description: K.S.A. 2-1915 provides for a special state fund for cost-sharing assistance to landowners for the establishment of enduring structures (practices) to treat highly erodible land as defined by the 1985 Food Security Act and to address recommendations in the State Water Plan and other water development needs. Soil and water conservation practices under this program also have a direct influence on the quantity of agricultural runoff pollution delivered to streams and upon water use thereby reducing waste of existing surface and underground water supplies.

Funds for the Water Resources Cost-Share Program are administered through all 105 conservation districts based on criteria developed by the State Conservation Commissioners. Criteria will include designating a portion of the funds for equal allocation and the balance of the allocation based on conservation compliance plan needs for each county. The funds will be targeted to highly erodible land and for other soil and water conservation practices identified in the State Water Plan.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$3,220,000	\$7,538,206	\$8,856,366	\$8,065,163	\$8,262,902
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Assists in implementation of the Groundwater Declines, Moisture Conservation, Reservoir Sedimentation and Stream Channelization Sub-sections of the Basin Sections.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**State Conservation Commission
Banner Creek Multipurpose Small Lake**

Program Description: The Banner Creek Reservoir in Jackson County near Holton is identified as Multipurpose Site 36 in the Delaware Watershed Joint District No. 10 general plan which was adopted in 1976 and amended in 1983 and 1984. The Soil Conservation Service, under authority of P.L. 566, is in the final planning process to build the structure.

The City of Holton and Jackson County Rural Water District No. 3, during the summer months, are pumping water at capacity in their present well systems. By constructing the multipurpose structure no. 36, the available water supply will double for both the City of Holton and Jackson County Rural Water District No. 3, thus, enabling growth for and in Holton and Jackson County. The structure will also provide recreation opportunities for the area.

There are 474 acres of land in the drainage area that will require treatment. The total cost of land treatment is estimated at \$91,301. The treatment of this area will provide for over 95 percent of the drainage area that is adequately protected to prevent early sedimentation and pollution of the lake.

Of the total project cost of \$4,398,012, the State of Kansas would contribute a total of \$470,009 for water supply and land treatment. The water supply portion of this state cost is reimbursable. The Governor recommends \$73,040 for land treatment for FY 1991. The project will not expend project construction funds until FY 1992.

Source	Governor's Recommendation Expenditures by Source of Revenue				
	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$73,040	\$396,969	\$ 0	\$ 0	\$ 0
FTE	0	0	0	0	0

Compliance With Legal Requirements for the State Water Plan Fund

Sub-Section Implemented: Although the Banner Creek project was not specifically identified in the State Water Plan, this funding is necessary to continue the project.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**State Conservation Commission
Bone Creek Multipurpose Small Lake**

Program Description: The Bone Creek Reservoir site in Crawford and Cherokee counties has been selected by the Public Wholesale Water Supply District No. 11 as the most feasible solution to provide a secure water supply for Crawford and northern Cherokee counties. The Bone Creek Reservoir site offers an excellent alternative to the groundwater quality problems of the area. The reservoir will provide a water source to blend with existing groundwater to improve the overall quality up to the Kansas Department of Health and Environment standards. The site will also provide an emergency source should a well go out of service.

The project, as presented in the General Plan, would create a 540 surface area lake serving four functions: Water supply and recreation (9,284 acre-feet), storm detention (2,700 acre-feet) and sediment storage (666 acre-feet). Preliminary studies show a yield of 2.95 million gallons of water a day. The stream is of good quality and drains 12.5 square miles.

Land treatment for 500 acres of nonhighly erodible land and 275 acres of highly erodible land will protect the site from sedimentation and pollution.

Of the total project cost of \$5,730,455, the State of Kansas would contribute \$1,900,000 for a portion of flood control, water supply and recreation. The water supply portion of this state cost is reimbursable.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$1,900,000	\$ 0	\$ 0	\$ 0	\$ 0
FTE	0	0	0	0	0

Compliance With Legal Requirements for the State Water Plan Fund

Sub-Section Implemented: Recommended in the Neosho Basin - Rural Flooding and Water Supply Needs Not Near Rivers or Federal Lakes Sub-section.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Yes: K.S.A. 82a-907(b)(d); K.S.A. 82a-927(h).

**State Conservation Commission
Non-Point Source Pollution Control Fund**

Program Description: The Governor recommends \$777,750 for Non-Point Source Pollution activities. This program was established by the 1989 Legislature to protect the state's water supplies and decontaminate land and waters. The program addresses pollution for which sources cannot be specifically identified, such as agricultural runoff and runoff from city streets. Conservation districts will coordinate local program activities by developing management plans based on locally identified pollution problems. At the state level, funding will be disbursed by the State Conservation Commission and technical assistance provided by the Kansas Department of Health and Environment.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$ 777,750	\$2,500,000	\$3,000,000	\$4,000,000	\$5,000,000
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Assists in implementation of the Non-Point Source Pollution Sub-sections of the Basin Sections.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Corporation Commission
Contamination Remediation**

Program Description: In FY 1991, the Kansas Corporation Commission anticipates spending up to \$500,000 on the plugging of abandoned wells and/or initial investigations of saltwater contamination sites. The Conservation Fee Fund will continue to be utilized to plug abandoned wells using the priority criteria established by the agency. The Commission will continue efforts to have active operators of large tracts enter into negotiated agreements whereby a monthly quota of abandoned wells are plugged until such wells on the tract are plugged. This approach allows operators who are not responsible for the abandonment to generate income from production which, in turn, is used to address the abandonment of previous generation of wells. As long as those wells or contamination sites which exhibit potential or actual threats to water or environmental resources are remediated and plugged in the first phase, conservation fee fund expenditures can be directed towards oil related abandoned wells or contamination sites where operator responsibility is lacking. This expenditure would assist in implementation of the Contamination Remediation Sub-sections of the State Water Plan.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
Other Funds	\$500,000	\$500,000	\$600,000	\$600,000	\$600,000
FTE	0	0	0	0	0

**Kansas Department of Health and Environment
Contamination Remediation**

Program Description: The Governor recommends \$2,000,000 for environmental remediation projects. This funding will allow the Department to continue cleanup of sites contaminated by salt and other toxic chemicals. The objective of the remedial activities program of the Department is to protect human health and the environment by eliminating the source of contamination at specific sites and cleaning up contamination and contaminated media.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$2,000,000	\$5,000,000	\$5,250,000	\$5,600,000	\$6,000,000
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Assists in implementation of the Water Contamination Sub-sections of the Basin Sections.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Department of Health and Environment
Environmental Aid**

Program Description: For environmental aid for the Local Environmental Protection Program, the Governor recommends \$1,798,512 for grants to local governments, to be utilized for the evaluation and development of plans of local environmental needs. The program provides grants to counties which would allow local health departments to prepare and carry out countywide environmental protection strategies and implement approved waste and environmental management programs. Technical assistance element of the project will allow the department to provide technical assistance to county health departments, cities and others formulating public water supply protection plans.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$1,548,512				
Other Funds	<u>250,000</u>				
Total	\$1,798,512	<u>\$2,826,200</u>	<u>\$2,848,700</u>	<u>\$2,874,000</u>	<u>\$2,901,000</u>
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-Section Implemented: An Environmental Protection Strategy Sub-section implemented in 1989.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Department of Health and Environment
Household Hazardous Waste (Environmental Aid)**

Program Description: As a component of the Environmental Aid for the Local Environmental Protection Program, the Governor recommends \$150,000 for grants for collection of household hazardous waste. Many household products contain chemicals that, when discarded, contribute to the contamination of natural resources and water supplies. Most household hazardous waste is discharged into city drains or "disposed" in the backyard. This typical disposal is both hazardous to public health and unnecessary. Yet, it continues because consumers are oftentimes unable to properly dispose of the waste.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: An Environmental Protection Strategy Sub-section implemented in 1989.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Department of Health and Environment
Non-Point Source Pollution Control**

Program Description: The Governor recommends funding of \$141,666 for Non-Point Source Pollution evaluation, data collection and technical assistance. The funding will provide 1.0 FTE position to perform technical assistance to local governments preparing and implementing non-point source programs. Also, \$100,000 is provided for technical assistance in water sample evaluation.

The Department, designated by the Governor as the lead state agency for non-point source pollution control, has developed a non-point source pollution assessment and a state non-point source management plan. The State Conservation Commission will administer the Non-Point Source Pollution Control Fund through the Conservation Districts. Conservation Districts involved in the non-point source programs will coordinate the preparation and implementation of the local non-point source pollution management plan.

Source	Governor's Recommendation Expenditures by Source of Revenue				
	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$141,666	\$324,250	\$415,000	\$521,000	\$642,000
FTE	1	7	8	9	10

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Non-Point Source Pollution Sub-section of the Basin Sections.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: This position would not replace an existing FTE

Recreation Project Goals: Not applicable

**University of Kansas
Kansas Geological Survey
Dakota Aquifer Study**

Program Description: In FY 1991, the Dakota program will characterize the interactions among the Dakota and adjacent aquifer systems in three subareas of the state. In southwest Kansas, the results from this work will be used to quantify the effects of pumpage on both the Dakota and High Plains aquifers where they are hydraulically connected and the Permian salt-bearing strata. In the south-central subarea, concerns related to the contamination of the Dakota Aquifer by disposal of oil-field brines in the Cedar Hills Sandstone will be addressed. In the north-central area, the monitoring and testing data will be used to assist the Division of Water Resources in their attempts to manage saltwater intrusion in the Dakota and overlying stream/aquifer systems in the Solomon and Republican river basins. By the end of FY 1991, the Kansas Geological Survey expects to have prepared: (1) a report focusing on the interactions of the Dakota Aquifer with other adjacent aquifers in three subareas of investigation; (2) detailed and updated geologic, hydrologic and water chemistry data based for the subareas; (3) an updated technical document for the Dakota Aquifer program specifying the research strategy for the integrative phase of the program in FY 1992.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund :	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Assists in implementation of the Groundwater Declines Sub-sections, Basin Plans.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Water Office
Lower Arkansas River Study**

Program Description: This project will allow for the continuation of a Stream/Aquifer Interaction Study on the Arkansas River between Hutchinson and Wichita to determine appropriate management policies of a major water resource of the state. This study was initiated because salty water in the Arkansas River has defused into the adjacent Equus Beds Aquifer. The Equus Beds served as the water supply source for a large part of south central Kansas including the City of Wichita. Proper management of withdrawal rates of groundwater adjacent to the river is essential to preventing additional salty water from entering the freshwater. Following is a table of previous expenditures for this project:

	<u>FY 86-FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
Kansas Water Office	\$ 0	\$ 0	\$100,000
Kansas Department of Health and Environment	0	0	0
Groundwater Management District No. 2	10,000	18,000	30,000
Federal Funding	<u>161,390</u>	<u>204,000</u>	<u>225,000</u>
TOTAL	\$171,390	\$222,000	\$355,000

This \$100,000 is required to match federal funds for well testing and to begin development of a groundwater model of the area. This study is critical to development of appropriate management policies for the area. All work thus far has conformed to a work plan and memorandum of understanding adopted by an interagency steering committee for the stream aquifer interaction study.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$100,000	\$100,000	\$ 0	\$ 0	\$ 0
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Although not specifically identified in the State Water Plan, it is necessary to complete the project.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Water Office
Upper Arkansas River Study**

Program Description: The Governor recommends \$36,000 for continuation of a Stream/Aquifer Interaction Study on the Arkansas River between Kinsley and Great Bend. Depletion of historic streamflows along the Arkansas River has been noted along the reach from Kinsley to Great Bend in the 1970's and 1980's. Regional groundwater pumpage has been suspected of being a primary cause of this depletion. Following is a table of previous expenditures for this project:

	<u>FY 86</u>	<u>FY 87-FY 90</u>
Kansas Water Office	\$31,000	\$0
Kansas Geological Survey	80,500	0
	\$111,500	\$0

A three-year study was proposed by the Kansas Geological Survey and the first year was funded in FY 1986. The subsequent two year study did not receive funding. The first year of work involved data collection and a pump test to examine interactions between wells and the river. Preliminary results indicated that there is a strong interaction between the streamflow and groundwater. The second year of this study is necessary to develop a simulation model of the reach so alternative management options may be explored.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source:	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$36,000	\$32,000	\$ 0	\$ 0	\$ 0
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Although not specifically identified in the State Water Plan, it is necessary to complete the project.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Water Office
South Fork Solomon River Study**

Program Description: The Governor recommends \$50,000 for a Stream/Aquifer Interaction Study for the South Fork Solomon River. Declining groundwater levels and streamflows in the South Fork Solomon River Basin have led to concerns about the long-term liability of water resources in both the Ogallala Aquifer and the alluvial aquifer associated with the river. Restrictions on diversions have been put into place in several areas in order to slow groundwater declines and better manage the water resources. Following is a table of previous expenditures for this project:

	<u>FY 89</u>	<u>FY 90</u>
Kansas Water Office	\$ 0	\$50,000
Kansas Geological Survey	<u>50,000</u>	<u>0</u>
	\$50,000	\$50,000

To allow water planning decisions to be made in a systems context, the Kansas Geological Survey proposes to develop a hydrologic information system for the South Fork Solomon River Basin. The objectives of the system would be to: 1) provide a hydrologic data base that would be the basis of a Geographic Information System for the basin; 2) use the hydrologic data to construct a basin-wide water budget to determine gross inputs and outputs; and 3) using one and two, project management alternatives based on gross hydrologic parameters with regard to the water resources of the basin.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$50,000	\$ 0	\$ 0	\$ 0	\$ 0
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Recommended in Solomon Basin - Groundwater Declines Sub-section.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Water Office
South Fork Ninnescah River Study**

Program Description: The Governor recommends \$66,250 for a mineral intrusion study of the South Fork Ninnescah in Pratt and Kingman counties. These funds will be used to match an equal amount from the U.S. Geological Survey. The South Fork Ninnescah River has been explored as a possible source of public water supply for the City of Wichita for a number of years. Following is a table of previous expenditures for this project:

	<u>FY 89</u>	<u>FY 90</u>
Kansas Water Office	\$ 0	\$66,250
City of Wichita	31,250	0
Sedgwick County	31,250	0
U.S. Geological Survey	62,500	66,250
Bureau of Reclamation	<u>89,000</u>	<u>0</u>
Total	\$214,000	\$132,500

This study is needed to investigate methods of controlling the saltwater inflow to determine if the river could be used for public water and other uses in the downstream area. This information will help determine the path of saltwater movement through each aquifer. Pumping tests will be conducted to determine aquifer properties. Water quality modeling in analytical techniques will be used to help predict control alternatives.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$66,250	\$ 0	\$ 0	\$ 0	\$ 0
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Recommended in Lower Arkansas Basin - Quantity Issues Sub-section.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Water Office
Geographic Information Systems**

Program Description: The Governor recommends \$5,000 to enable the Kansas Water Office to continue a cooperative agreement initiated in FY 1988 with the U.S. Geological Survey to enable the Kansas Water Office staff to access and use ARC/INFO Geographic Information System that resides on the PRIME computer at Lawrence. Continuation of this relationship would enable the Kansas Water Office to use the ARC/INFO Geographic Information System to address specific pilot projects that would facilitate implementation of the State Water Plan. This project was anticipated in the Monitoring, Data and Information Sub-Section of the State Water Plan.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
Other Funds	\$ 5,000	\$ 0	\$ 0	\$ 0	\$ 0
FTE	0	0	0	0	0

**Kansas Department of Wildlife and Parks
Hillsdale Reservoir Facilities**

Program Description: The development of a state park at Hillsdale Reservoir is considered part of a program to maintain water quality and provide recreation at the reservoir. The formulation of the State Water Plan is to include consideration of the benefits to be derived from development of reservoir sites which combine purposes of flood control, water supply storage and recreation. The long-range goals of the state concerning water management include the prevention of pollution of the water supplies of the state and the sound coordination of the development of the other resources of the state such as public land.

The development of a state park at Hillsdale Reservoir will allow for the proper management of the impact that will occur by the public use of the facility. The reservoir will be utilized by the public and the development of sanitation facilities, drainage structures, roads and other features of a state park will prevent deterioration of the water quality in the reservoir from such public usage.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$1,311,730	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Marais des Cygnes Basin Section - Recreation Facilities at Hillsdale Lake Sub-section.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Yes: K.S.A. 82a-927(b)(d)(h)

**Kansas Department of Wildlife and Parks
Cheyenne Bottoms Renovation**

Program Description: This renovation project will provide more efficient control of water within the five pools which are utilized for water storage. The project will allow for the reconstruction of the water inlet canal and water control structures. The renovation project will allow for efficient utilization of water runoff into the Cheyenne Bottoms and for improved management of the water obtained from the Arkansas River pursuant to established water rights.

The renovation project will be directed by an engineering study which is currently under development. The study will provide data on the water capacity of the Bottoms, water supplies to the Bottoms and possible methods of flood control relating to locations downstream from the Bottoms.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
State Water Plan Fund	\$1,500,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
FTE	0	0	0	0	0

Compliance With Legal Requirements for State Water Plan Fund

Sub-Section Implemented: Although not specifically identified in the State Water Plan, is necessary to complete the project.

Five Year Plan: Yes

Water-Related Expenditure: Yes

Existing Positions: Not applicable

Recreation Project Goals: Yes: K.S.A. 82a-907(i)(m); K.S.A. 82a-927(h)(i)

**Kansas Department of Wildlife and Parks
Geographic Information Systems**

Program Description: The Governor has commissioned a task force to develop a statewide Geographic Information System (GIS) for use by state agencies involved with the protection, regulation and development of the state's natural resources. This system is designated as a technical assistance consideration of the State Water Plan and will provide management data to conserve the water resources of the state in a technologically and economically feasible manner. This project was anticipated in the Monitoring, Data and Information Systems Sub-section of the State Water Plan.

**Governor's Recommendation
Expenditures by Source of Revenue**

Source	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995
Other Funds	\$107,300	\$34,280	\$34,280	\$34,280	\$34,280
FTE	0	0	0	0	0

SUMMARY OF GOVERNOR HAYDEN'S RECOMMENDATIONS
TO IMPLEMENT THE STA. WATER PLAN

	FY 1990	FY 1991		
		SWPF(1)	Other Funds	Total
Department of Administration Geographic Information System	\$0	\$500,000	\$46,108 (2)	\$546,108
Kansas State Board of Agriculture Division of Water Resources				
Water Conservation Planning	0	100,000	0	\$100,000
Geographic Information System	0	238,227	0	238,227
Water Project Coordination	147,482	0	0	0
Water Use Reporting	133,717	0	0	0
State Conservation Commission				
Watershed Dam Construction	1,591,935	1,177,248	500,000 (3)	1,677,248
Water Resources Cost-Share	3,939,583	3,220,000	0	3,220,000
Banner Creek Small Lake	0	73,040	0	73,040
Bone Creek Small Lake	0	1,900,000	0	1,900,000
Non-Point Source Pollution Control	917,468	777,750	0	777,750
Jetmore Small Lake	1,301,250	0	0	0
Kansas Corporation Commission				
Contamination Remediation	500,000	0	500,000 (4)	500,000
Kansas Dept. of Health & Environment				
Contamination Remediation	2,619,583	2,000,000	0	2,000,000
Environmental Aid	1,223,290	1,548,512	250,000 (3)	1,798,512
Household Hazardous Waste	0	150,000	0	150,000
Non-Point Source Control	30,000	141,666	0	141,666
Kansas Geological Survey				
Dakota Aquifer Study	200,000	200,000	0	200,000
Kansas Water Office				
Lower Arkansas River Study	100,000	100,000	0	100,000
Upper Arkansas River Study	0	36,000	0	36,000
Solomon River Study	50,000	50,000	0	50,000
Ninnescah River Study	66,250	66,250	0	66,250
Geographic Information System	0	0	5,000 (3)	5,000
Interbasin Transfer Study	35,000	0	0	0
Kansas Department of Wildlife and Parks				
Hillsdale Reservoir Facilities	1,000,000	1,311,730	0	1,311,730
Cheyenne Bottoms Renovation	1,640,000	1,500,000	0	1,500,000
Geographic Information System	0	0	107,300 (5)	107,300
Mined Land Recreation Plan	34,642	0	0	0
TOTAL	\$15,530,200	\$15,090,423	\$1,408,408	\$16,498,831

- (1) SWPF = State Water Plan Fund
- (2) Information Technology Fund
- (3) State General Fund
- (4) Conservation Fee Fund
- (5) Wildlife Fee Fund



KANSAS GEOGRAPHIC INFORMATION SYSTEM

January 1990

INTRODUCTION

A Geographic Information System (GIS) is a computer based system designed to capture, store, analyze and display geographically referenced data. This type of data represents a large percentage of the information that state agencies, as well as local and federal governments, work with on a regular basis. Information on water rights, highways, population and pollution are a few examples of geographically referenced data maintained by state government.

Although the state maintains a vast amount of data, the ability to effectively utilize the data for decision making purposes is often limited. Geographic Information System hardware and software can greatly enhance the decision making process by providing a means of analyzing geographically referenced data in a way that is meaningful to the persons with decision making responsibility. A Geographic Information System can also efficiently automate various graphic oriented operations such as map production and maintenance.

Many local, state and federal agencies in Kansas have recognized the value of GIS technology to their agencies' operations. These agencies also recognize the need to coordinate GIS activities to avoid unnecessary costs, minimize duplication of effort and share mutually useful data. Database development represents a fundamental and often the most costly element in a GIS. A statewide network for geographic data access and transfer among government units is needed to facilitate GIS development in a timely and efficient manner.

KANSAS GIS INITIATIVE

The development of a GIS was recommended by the Kansas Water Authority in the *Kansas Water Plan* as a key component in a water resource management information system. In September 1988, the Kansas Water Data Committee (KWDC), a group of local, state and federal natural resource agency representatives, proposed the development of a statewide GIS network. The KWDC proposal was in the form of a document entitled *Kansas Geographic Information System Initiative*, September 15, 1988, and included a FY 1990 budget. The Kansas Department of Revenue also participated with KWDC member agencies in this effort.

The GIS network concept proposed by the KWDC would use the existing Kansas Data Communications Network which is managed by the Department of Administration's Division of Information Systems and Communications (DISC). Figure 1 is a representation of the GIS network concept as shown in the proposal document. The proposal recommended that the GIS network be managed by DISC, acting as a neutral non-user agency. Primary components of the proposed GIS include geocoded databases, the data communications network, technical support staff and computer hardware and software.

KANSAS GIS POLICY BOARD

The GIS Initiative proposal recommended the establishment of a policy board, consisting of agency heads, to provide oversight on the development and

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ATTACHMENT 6

Conceptual Geographic Information Network Kansas Data Communications Network

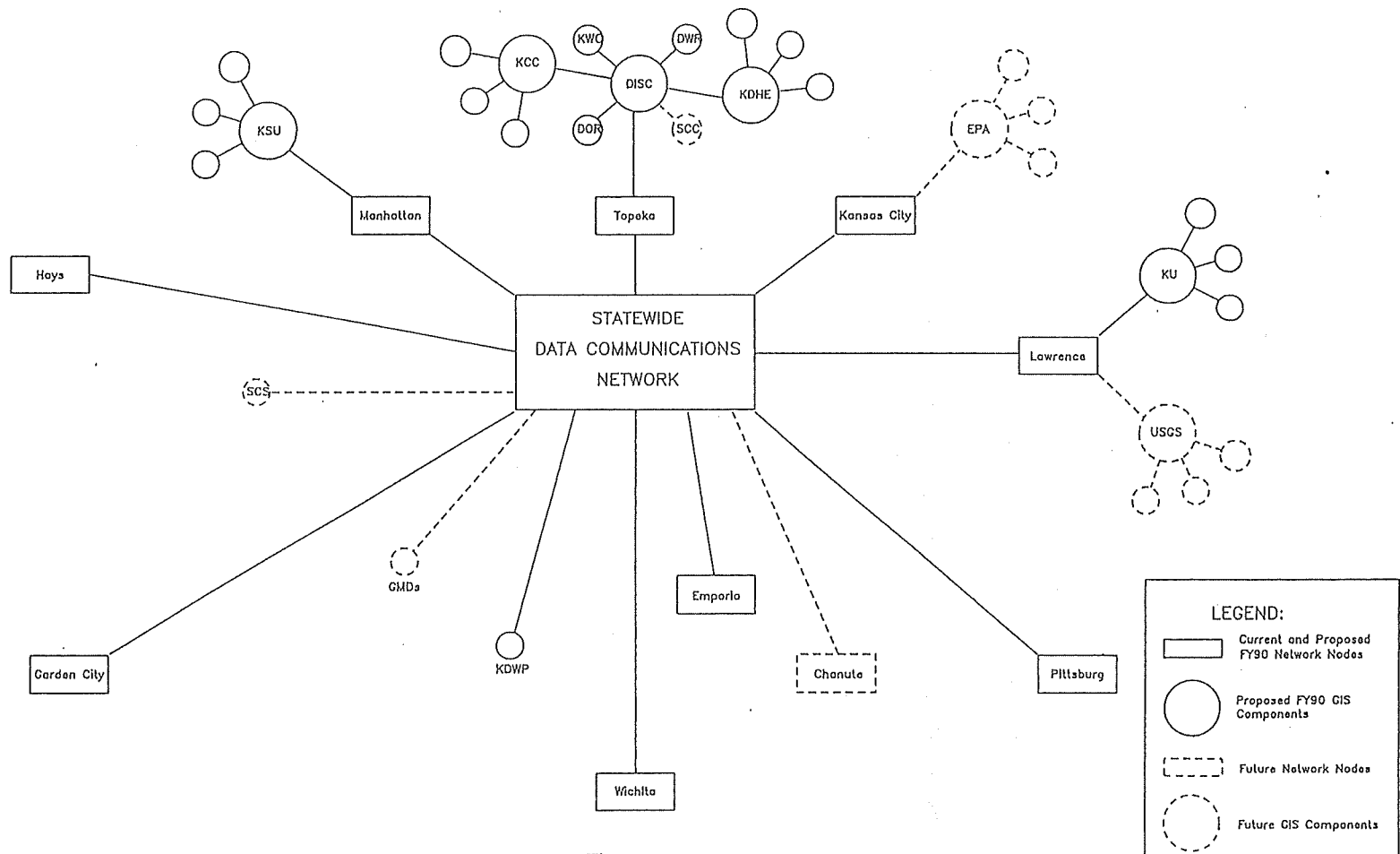


Figure 1

Source: Kansas Geographic Information System Initiative
September 15, 1988

management of the system. Although the GIS Initiative was not funded in Fiscal Year 1990, Governor Hayden declared his intent to move forward with the initiative by first organizing the proposed policy board. The Director of the Kansas Water Office was appointed as Chairman of the Kansas Geographic Information System Policy Board in April 1989. After receiving input from interested agencies, the Governor appointed the full board in August 1989. The Kansas GIS Policy Board consists of the following members:

Kansas GIS Policy Board Members

Joseph F. Harkins, Kansas Water Office, Chairman
 Dr. Lee Gerhard, Kansas Geological Survey
 Dr. Stanley Grant, Dept. of Health and Environment
 David L. Pope, Division of Water Resources
 State Board of Agriculture
 Kenneth Kern, State Conservation Commission
 Keith Henley, Kansas Corporation Commission
 Robert L. Meinen, Dept. of Wildlife and Parks
 Dr. Edward A. Martinko, Kansas Biological Survey
 Horace B. Edwards, Department of Transportation
 Harland Priddle, Department of Commerce
 Duane Nellis, Kansas State University
 Department of Geography
 Keith Lebbin, Groundwater Management District Assn.
 Tom Huntzinger, U.S. Geological Survey
 James N. Habiger, U.S. Soil Conservation Service
 Gary Hulett, Governor's Office
 Sherry Brown, Department of Administration
 Mary Galligan, Legislative Research
 Mark Hixon, Barton County Appraiser's Office
 Brad Bryant, Secretary of State's Office
 Ed Rolfs, Kansas Department of Revenue
 Charles Warren, Kansas, Inc.
 James V. Bush, Alternate, Kansas Department of
 Transportation
 Staff: Jim Parker and Kerry Wedel

The role of the GIS Policy Board is to address policy issues related to GIS development and management. This includes issues such as data access, database priorities, standards, funding and interagency coordination.

GIS TECHNICAL ADVISORY COMMITTEE

A GIS Technical Advisory Committee was formed by the GIS Policy Board to address technical issues related to GIS development and implementation and to provide input to the GIS Policy Board. Representatives on the GIS Technical Advisory Committee were appointed by GIS Policy Board members to represent their respective agencies. Three subcommittees have been established to deal with various issues related to planning, geographic data standards and GIS database development. Members of the GIS Technical Advisory Committee

are as follows:

GIS Technical Advisory Committee Members

James Parker, Policy Board Staff, Co-Chairman
 Kerry Wedel, Policy Board Staff, Co-Chairman
 Randall Foster, Secretary of State
 Brian Logan, Kansas Dept. of Transportation
 Val Carter, Legislative Research
 David Collins, Kansas Geological Survey
 Loren Phillips, Ks. Dept. of Health and Environment
 Darrel Eklund, Kansas Water Office
 John Reh, U.S. Soil Conservation Service
 Scott Stockwell, Kansas Corporation Commission
 Claud Baker, U.S. Geological Survey
 Tracy Streeter, State Conservation Commission
 Gary Baker, Groundwater Management Districts Assoc.
 Jerry Whistler, Kansas Biological Survey
 Lloyd Stullken, Board of Agriculture
 H.L. Seyler, Kansas State University, Dept. of Geography
 Jim Kent, Dept. of Commerce
 Tim Hensley, Dept. of Revenue
 John Radenberg, R. & S. Digital Services
 Michael Morrow, Dept. of Wildlife and Parks
 Stephen Thompson, Kansas College of Technology

GIS STAFF

Principal staff support for the GIS Policy Board and the GIS Technical Advisory Committee is being provided through the Division of Information Systems and Communications (DISC). Two people are currently serving as staff persons on a part-time basis until a full-time permanent staff position is established. Staff duties include preparation and distribution of materials and reports for the GIS Policy Board and GIS Technical Advisory Committee, organization of meetings, production of a monthly interagency GIS newsletter and related activities.

CURRENT GIS PRIORITIES

Current priorities of the GIS Initiative as determined by the GIS Policy Board at its initial meeting in September 1989 are GIS database development and interagency coordination. The board approved the inclusion of \$500,000 in the Department of Administration's proposed FY 1991 budget for state GIS database acquisition and development. The source of funding recommended by the board for the database development proposal was the newly established State Water Plan Fund. Also included in the budget request was funding for a full-time GIS administrator/manager. The GIS Technical Advisory Committee was assigned to determine database priorities for expenditure of these funds and present these priorities to the GIS Policy Board for

consideration. Recommended priority datasets were to be water-related in order to be eligible for State Water Plan funding.

In addition to the FY 1991 budget request for the Department of Administration, the GIS Policy Board initiated a review of all state agencies' GIS-related budget requests for FY 1991 to avoid duplication of effort and help insure that proposals were compatible with the GIS Initiative. The Board also instructed the GIS Technical Advisory Committee to pursue

the adoption of GIS data exchange standards as a priority task to facilitate data transfer among agencies.

FY 1991 GIS DATABASE PRIORITIES

The database priorities shown in Table 1 were presented to the GIS Policy Board by the GIS Technical Advisory Committee and approved as a preliminary list of priorities, subject to modification as additional detailed planning is completed.

Table 1. Priority GIS Datasets - FY 1991

<u>Name</u>	<u>Description</u>	<u>Source</u>
Land Base	Township/range lines, section corners, state and county boundaries, geodetic survey data	Kansas Geological Survey
Hydrology	Surface streams/water bodies	U.S. Geological Survey
Land Use/Cover	Land use polygons by cover type	Satellite Data
Soils	Soil survey soil polygons	U.S. Soil Conservation Service
Geology	Depth/location of strata, aquifers	
Population	Map features for census data	U.S. Census Bureau
Public Water Supplies and Effluent Discharge	Site locations	Kansas Department of Health and Environment
Contamination Sites	Site locations	Kansas Department of Health and Environment
Transportation and Utilities	Highways, roads, railroads, airports, misc. utilities, etc.	U.S. Geological Survey
Water Rights	Points of diversion for water appropriations	Division of Water Resources
Surface Elevations	Elevation data of land surface	U.S. Geological Survey
Underground Injection Wells	Site locations	Kansas Department of Health and Environment
Wastewater Discharge	Site locations	Kansas Department of Health and Environment
Watershed Districts	Boundaries of watershed districts	Division of Water Resources
Property Ownership	Land parcel boundaries	Kansas Department of Revenue