

Approved

Ken Grotewiel
Date 4/29/91

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Representative Ken Grotewiel at
Chairperson

3:30 ~~am~~ p.m. on January 24, 1991 in room 526-S of the Capitol.

All members were present except:

Representative Freeman, excused
Representative Webb, excused

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Pay Mah, Legislative Research
Lenore Olson, Committee Secretary

Conferees appearing before the committee:

John L. Baldwin, Chairman, Kansas Water Authority
Clark Duffy, Assistant Director, Kansas Water Authority

Chairperson Grotewiel called the meeting to order and introduced John L. Baldwin, Chairman, Kansas Water Authority.

Mr. Baldwin reviewed the structure of the Kansas Water Authority and explained the Kansas Water Plan. He stated that his agency is proposing three legislative initiations for the 1991 Legislative Session as part of the yearly updating of the Kansas Water Plan. (Attachment 1)

The Chair thanked Mr. Baldwin for his commitment to the environment and for all the work he has done for the Kansas Water Authority.

The Chair then called upon Clark Duffy, Assistant Director, Kansas Water Authority.

Mr. Duffy spoke first on water use conservation, stating that all water users who are given the right to use water bear the responsibility to use it wisely. (Attachment 2)

Mr. Duffy briefed the Committee on private well protection/home treatment. He stated that the purpose of the protection of private well water supplies sub-section of the Kansas Water Plan and its companion sub-section on home water treatment devices is to establish a coordinated state effort to assist private well owners in the protection of their well water supplies. (Attachment 3)

Mr. Duffy reviewed a summary compiled by the Kansas Water Office of Governor Finney's recommendations to implement the FY 1992 Kansas Water Plan. He highlighted those expenditures recommended which cut across a number of state agencies, and discussed the financing techniques proposed by Governor Finney to implement these recommendations for the coming fiscal year. Mr. Duffy also responded to questions from Committee members. (Attachment 4)

A motion was made by Representative McKechnie, seconded by Representative Correll, to approve the minutes of January 23, 1991. The motion carried.

The meeting adjourned.

COMMITTEE: _____

DATE: 1/24/91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Theresa Hodges	Topeka	KDHE
Jim Ludwig	"	KPL
TREVA POTTER	"	PEOPLES NAT. GAS
Robert C. Johnson	Ottawa	MAINT CONTRACTOR
Willynda Holmes	"	Legislature
Jack Stubbard	Topeka	Home Builders of To.
M. S. MITCHELL	WICHITA	HBAAK
Eileen Kartelaz	Missia Ks.	W.D. Tr Co
Suzann Tucker	Topeka	KDOC
Kenneth Kern	Topeka	State Conservation Commission
Michael Lister	Topeka	John Peterson & Assoc.
Robert W. Biddemeier	Lawrence	K.G.S.
Janeen Grace	Topeka	Kansas Natural Resource Council
Rick McFee	Topeka	K.L.A.
Paula Freeksen	Topeka	League of Kansas Municipalities
Steve Adams	Topeka	Wildlife Parks
Dick Kwerth	Topeka	DWR?
Wayland J. Anderson	Topeka	DWR/KSBA
DEBBIEMcASKILL	TOPEKA	COMMERCE
David L. Pope	Topeka	DWR, KSBA
Stephen A. Hurst	Topeka	Kansas Water Office
Dalyn Smith-Jawa	Topeka	Kansas water office
Dennis F. Schwartz	Tecumseh Ks	Ks. Water Authority
John L. Baldwin	Hutchinson Ks	Ks Water Authority
Bill Henry	Topeka	Ks Engineering Society

Testimony of

**John L. Baldwin, Chairman
Kansas Water Authority**

**Before the
House Energy and Natural Resources Committee**

January 24, 1991

*E+NR
1/24/91
Attachment 1*

**Testimony of
John L. Baldwin, Chairman
Kansas Water Authority**

**Before the
House Energy and Natural Resources Committee**

Thank you, Mr. Chairman.

I am John Baldwin from Hutchinson, Kansas, and a lifetime resident of Kansas. I have been Chairman of the Kansas Water Authority since 1987.

The Kansas Water Authority is a 22-member panel of private citizens and state water-related agency directors created in 1981. Its primary responsibility is to approve the *Kansas Water Plan* and make recommendations to the Governor and Legislature on a broad spectrum of water management issues.

The Kansas Water Authority works closely with the Kansas Water Office, 12 private citizen basin advisory committees and other public and private interests to develop the *Kansas Water Plan*.

Since 1985, that Plan and the process that produced it has become the benchmark for most of the 17 western states.

Our *Kansas Water Plan* is unique in that it gets implemented. It is revised and updated yearly and, as a result, gets better and better each year.

We are proud of our Plan, Mr. Chairman, because it works. It does what a Plan is supposed to do. It works because the programs and actions it recommends to solve our state's water problems are now funded from a permanent, dedicated funding source established by S.B. 398 in 1989. These funds started to become available in the last half of 1990. Our goal is to utilize these funds in the best possible manner.

We are proposing three legislative initiatives this year as part of that yearly updating of the *Kansas Water Plan*. Two of these are for new pieces of legislation and the other is primarily amendatory in nature. These would, in part, implement three sub-sections of the *Kansas Water Plan* which were approved by the Kansas Water Authority last July.

Briefly, Mr. Chairman, the bill to implement the Water Conservation Sub-section amends several existing laws to further encourage water conservation and more efficient use of the resource.

The bill to implement the Home Water Treatment Devices Sub-section is designed to ensure that the consumer, who purchases such a system receives value as it is advertised or represented.

And finally, Mr. Chairman, another piece of new legislation to implement the Protection of Private Well Water Supplies Sub-section would require that all laboratories that test private water supplies be certified by the State of Kansas.

The Kansas Water Authority held hearings and approved these three bills to be included and implemented in the *Kansas Water Plan*. I encourage your favorable consideration of this legislation.

Accompanying me today, Mr. Chairman, is Clark Duffy. Mr. Duffy is Assistant Director of the Kansas Water Office, and will provide you with additional details and information about these bills.

Thank you.

Briefing on
Water Use Conservation Sub-section
FY 1992 *Kansas Water Plan*

before the
House Committee on Energy and Natural Resources

by
Clark Duffy
Assistant Director
Kansas Water Office

January 24, 1991

*E+NR
1/24/91
attachment 2*

Briefing on Water Use Conservation

I. Introduction

Kansas law states that "all water within the state of Kansas is hereby dedicated to the use of the people of state, subject to the control and regulation of the state." The law also provides that "all waters within the state may be appropriated for beneficial use." Therefore all water users who are given the right to use water bear the responsibility to use it wisely. All types of water users - municipal, irrigation, industrial, domestic, stock water, recreation, water power and artificial recharge - should make the most efficient use of their water when it is plentiful and share in reducing their usage during times of shortage.

In 1986, state laws were enacted which established the policy framework to promote water use conservation in Kansas. The purpose of the water use conservation subsection of the FY 1992 State Water Plan is to build on that framework and to establish a comprehensive Water Use Conservation Program for state government.

II. History

A. Current Law

Since 1986, Kansas law has authorized the Chief Engineer to require water use conservation plans, which include a drought contingency plan, for anyone obtaining a new water right or appropriation permit. (K.S.A. 82a-711) In addition the law requires a water use conservation plan for 1) anyone purchasing water from the Water Marketing Program (K.S.A. 82a-1311a); 2) anyone participating in the new Water Assurance District Program (K.S.A. 82a-1348), 3) anyone transferring water under the

Water Transfers Act (K.S.A. 82a-1503). This legislation did not, however, authorize the Chief Engineer to require water use conservation plans for holders of existing water rights or appropriation permits.

To assist water users in the preparation of conservation plans K.S.A. 74-2608 was amended to require the Kansas Water Office to develop and maintain guidelines for water conservation plans and practices. The Kansas Water Office developed these guidelines in 1986. Since that time the Chief Engineer, Division of Water Resources, and the Kansas Water Office administered this law and have now reviewed over 500 conservation plans submitted to them by municipal, industrial and irrigation water users.

Since 1986 one thing has become very clear: conservation plans work. They work for the state but most importantly they work for the water users. Most water users who have implemented conservation plans have discovered that they have not only achieved a beneficial reduction in water use but have also eliminated the financial costs associated with excess water use and waste of water.

B. Drought

In 1988 and 1989 Kansas suffered through one of the most severe droughts in recent memory. In June of 1988 the Governor established a Drought Response Team which meet for two years to monitor drought conditions across Kansas and to make recommendations for appropriate governmental responses. Unfortunately there was no manual or handbook at that time for the Governor's Drought Response Team to follow

in establishing a efficient response to these drought conditions. As a result, all of the work that was accomplished by the Drought Response Team was done on an ad hoc basis.

With the span of years that take place between severe drought events, memories quickly fade. For these reasons the lessons of the states' experience during the drought of 1988 and 1989 strongly suggest that a proactive approach to drought events is a more effective mitigation tool than is "crisis management." Sharply focussed contingency plans, prepared in advance, can greatly assist government in the earlier identification of drought and ultimately reduce drought related impacts. For all of the reasons noted above, there is a need for a state managed comprehensive approach to drought.

III. Concepts

The basic concept of water use conservation is that the most effective method of assuring water availability during times of drought is to use it efficiently when it is plentiful. This concept of use efficiency should apply to all categories of water users and only address the beneficial reduction of water use or water loss. A comprehensive state water use conservation program should address three components: a) education, b) management and c) regulation.

A. Education

Many measures are available to effect water use efficiency in all water user categories. However, without the public awareness knowledge and acceptance of these alternatives, they will remain under utilized. Education programs are essential if a comprehensive

water use conservation program is to achieve its full potential. An another key element is the availability of technical assistance. Technical assistance should be available to aid water users in the development of conservation plans.

This sub-section recommends that Kansas State University Cooperative Extension provide education and technical assistance on water conservation with the help of the other water-related agencies. In recent years the extension service has begun to implant this recommendation.

B. Management

It is the responsibility of the water users in the state to manage their water wisely. The state, however, has an obligation to assist these users in making informed decisions regarding the proper management of the available water resources. In order to provide this assistance, state government needs to develop better internal management programs and needs to collect reliable data on actual water usage.

The sub-section recommends the continuation of the phased in development of revised water conservation guidelines based on reliable water use data. The Kansas Water Office has recently completed the revisions to the municipal guidelines and has work in progress for all other categories of water users. The sub-section also recommends the development of a state water use incentive program which would make the availability of water related grant, loan and cost-share monies for water-related projects contingent upon adoption and implementation of water use conservation plans. Finally this management component recommends that the Kansas Water Office establish

guidelines as to when conditions indicative of drought exist and to then advise the Governor on the appropriate governmental response needed to reduce drought related impacts.

C. Regulation

While the legislation passed in 1986 required conservation plans for certain water users it did not authorize the state to require water use conservation plans for existing water rights which make up the bulk of water rights held in the state.

There is a major problem with exempting existing water users - it prohibits the state from protecting a source of water supply that is inadequate or over used. When a source of water supply is threatened all users of that source - regardless of the type of use - must accept their responsibility to use the remaining water as efficiently as possible.

This situation is especially acute during times of drought. Under the current law, junior water right holders (those with conservation plans) are not only responsible for implementation of conservation plans but must also implement their drought contingency provisions during a drought. While senior water rights holders are not even required to use minimal conservation efforts. As a result the current law is ineffective in assuring the most efficient use of water by all users sharing a common source of supply.

The sub-section recommends that the Chief Engineer's authority be expanded to require the adoption and implementation of water use conservation plans on a case-by-case basis for all water right holders. It also provides guidance to the Chief Engineer as to where to apply these requirements such as protecting a common source of water supply that is threatened from over use. The plan also recommends that the Governor be given the authority to require the implementation of drought contingency plans contained in state approved conservation plans when a "state of drought" exists. This provision would be applied equally to all water users who would share a common source of supply that is threatened by drought.

IV. Implementation

Most recommendations in this sub-section can be implemented administratively. The key elements to the legislation needed to implement this sub-section include:

1. Authority for the Chief Engineer to require adoption and implementation of water use conservation plans on a case-by-case basis for existing water right holders.
2. The linkage of state administered grant and loan funds for water-related projects to the adoption and implementation of conservation measures.
3. Authorization for the Governor to declare a "State of Drought" when certain drought triggers have been tripped.

- V. List of Available Background Information Available from the Kansas Water Office, 109 SW 9th Street, Suite 300, Topeka, Kansas 66612-1249. (913) 296-3185
- A. *Kansas Water Plan* Sub-section - "Water Use Conservation"
 - B. Background Paper No. 48 - "Conservation and Drought Planning"
 - C. Conservation Plan Guidelines - "Municipal, Industrial, Agricultural"
 - D. Governmental Response to Drought (Report)
 - E. Summary of Conservation Plans to Date

Re HB 2031 2037

Briefing on
Private Well Protection/Home Treatment Sub-sections
FY 1992 *Kansas Water Plan*

before the
House Committee on Energy and Natural Resources

by
Clark Duffy
Assistant Director
Kansas Water Office

January 24, 1991

E+NR
1/24/91
Attachment 3

Protection of Private Well Water Supplies
Home Water Treatment Devices

I. Introduction

The protection of private well water supplies is the responsibility of the well owner. However, state government has recognized its broader responsibility for protection of all waters of the state from pollution. The purpose of the protection of private well water supplies sub-section of the *Kansas Water Plan* and its companion sub-section on home water treatment devices is to establish a coordinated state effort to assist private well owners in the protection of their well water supplies.

II. Background

The Kansas Department of Health and Environment has monitored ground water quality since 1967. Since that time many of the wells monitored have exceeded the recommended limit for total dissolved solids and some wells have exceeded the drinking water standards for nitrates. A survey of farmstead wells that was conducted by Kansas State University from 1987 to 1988 indicated that 28 percent of the wells tested yield nitrate levels greater than the maximum contaminant level.

This information should not be interpreted as an indication that most private wells are contaminated. It should however, serve as notice to all of us that the potential for pollution of these wells is real and as such we have an obligation to protect these water supplies.

In 1987, the Kansas Department of Health and Environment in cooperation with Kansas State University Cooperative Extension Service initiated a three phase program for protection of farmstead well water supplies. Most of the educational materials have been developed for this program, however, due to lack of resources and the absence of a well coordinated overall policy the program is not fully operational.

III. Concepts

A comprehensive strategy for well owners to protect their private wells should include:

Assessment of Vulnerability. Wells should be assessed to determine their vulnerability to pollution resulting from faulty construction, location or usage.

Periodic Screening and Testing. All well owners should periodically test and monitor their water supplies. These tests need not be a comprehensive, detailed analysis of all possible contaminants but should include screening for priority contaminants.

Reporting and Interpretation. The well owner must interpret the test results. For test results to be useful they must be reported in a format that can be interpreted by the well owner.

Corrective Action. If there are deficiencies in the well or the water is of unacceptable quality corrective actions should be initiated. These steps could include modification, treatment or relocation of the well depending on the nature of the problem.

IV. State Assistance

A. Protection of Private Well Water Supplies. This sub-section recommends:

1. The Kansas Department of Health and Environment be assigned responsibility for coordination of an assistance program. It would be responsible for working cooperatively with the Cooperative Extension Service and private organizations such as the Kansas Farm Bureau which has taken an active role in the protection of private well water supplies.
2. The Kansas Department of Health and Environment will work with Cooperative Extension Service to expand current public education efforts, conduct public workshops and train local officials in assisting well owners.
3. The state require certification of all laboratories performing analytical tests. This is necessary to ensure the consumer that he is receiving valid and usable test results.

The implementation of the public education components of this sub-section will require expenditures of \$86,226 for FY 1992. This amount has been recommended in the Governor's budget report from the State Water Plan Fund. Legislation is necessary to require certification of laboratories testing private water supplies.

B. Home Treatment Devices. In those cases where a well owner believes that treatment of his water supply is the best course of action to address a problem a home water treatment device may be considered. To assist the well owner in making an appropriate decision this sub-section recommends:

1. Consumer Education. The Cooperative Extension Service should expand its current efforts of consumer information and public education regarding home water treatment units.
2. Product Certification. At the present time there is no requirement that product performance claims of home water treatment units be verified. To ensure the consumer that the unit will perform as advertised this sub-section recommends that all performance claims of a public health benefit for a treatment unit be verified by a third party independent laboratory. This will help guide the consumer in determining if the unit is appropriate for his specific problem.
3. Dealer Confidence. Although this industry is covered under the Consumer Protection Act it is currently difficult to verify false performance claims due to the technical nature of home water treatment devices. As a result, this sub-section recommends that any unit sold in Kansas without a performance claim verified by the third party laboratory would be a violation of the Consumer Protection Act. The sub-section also recommends that the Extension Service develop public education materials on the public's rights under the Consumer Protection Act.

Implementation of this sub-section would require legislation. This legislation would require the seller of a drinking water unit to provide the following information to the buyer: 1) a copy of the manufacturer's performance data sheet, 2) a copy of the verification certificate from the National Sanitation Foundation (the third party independent laboratory) and 3) a buyer's information handbook.

V. The following additional background information is available from the Kansas Water Office, 109 SW Ninth Street, Topeka, Kansas 66612-1249. (913) 296-3185

A. Protection of Private Well Water Supplies

1. *Kansas Water Plan* Sub-section - "Protection of Private Well Water Supplies"
2. Background Paper No. 47 - "Protection of Private Well Water Supplies"
3. List of "Commercial Laboratories Certified for Water Quality Tests" - by the Cooperative Extension Service
4. Brochures by Cooperative Extension Service, Kansas State University, Manhattan
 - a. Managing the Farmstead to Minimize Groundwater and Well Contamination
 - b. Groundwater and Well Contamination
 - c. Nitrates and Groundwater
 - d. Pesticides in Drinking Water
 - e. Plugging Abandoned Wells
 - f. Testing to Help Ensure Safety of Drinking Water
 - g. Suggested Water Tests for Private Water Systems
 - h. Taking a Water Sample
 - i. Understanding Your Water Test Report
 - j. Disinfection
 - k. Shock Chlorination for Disinfecting Water Systems

B. Drinking Water Treatment Units

1. *Kansas Water Plan* Sub-section - "Home Water Treatment Devices"
2. Background Paper No. 50 - "Home Water Treatment Devices"
3. Information on National Sanitation Foundation
4. Brochures by Cooperative Extension Service, Kansas State University, Manhattan
 - a. Questions to Ask before Buying Water Treatment Equipment
 - b. Tabloid Ensuring Safe Drinking Water
 - c. Is your Drinking Water Safe

*Summary of Governor Finney's
Recommendations to Implement the
FY 1992 Kansas Water Plan*

*Compiled By
The Kansas Water Office*

January 24, 1990

*E+NR
1/24/91
Attachment 4*

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**Summary of Governor Finney's Recommendations
to Implement the State Water Plan for FY 1992**

	SWPF 1	Other	Total
Kansas Corporation Commission			
Contamination Remediation	\$0	\$500,000 ²	\$500,000
Kansas Department of Health and Environment			
Contaminatin Remediation	\$2,000,000	\$0	\$2,000,000
Local Environmental Aid	1,366,137	0	\$1,366,137
Private Well Protection	86,226	0	\$86,226
Non-Point Source Program	430,061	0	\$430,061
Subtotal - KDHE	\$3,882,424	\$0	\$3,882,424
Kansas Department of Wildlife and Parks			
Cheyenne Bottoms	\$0	\$500,000 ³	\$500,000
Hillsdale State Park	0	1,000,000 ³	\$1,000,000
Subtotal - KDWP	\$0	\$1,500,000	\$1,500,000
Kansas State Board of Agriculture			
Division of Water Resources			
Conservation Plan Coordination	\$100,000	\$0	\$100,000
Water Data Base Renovation	50,000	0	\$50,000
Subtotal - KSBA	\$150,000	\$0	\$150,000
Kansas Water Office			
Geographic Information Systems	\$620,880	\$0	\$620,880
Geography Resource Center	100,000		100,000
Lower Arkansas River	100,000		100,000
Upper Arkansas River	36,000		36,000
Subtotal - KWO	\$856,880	\$0	\$856,880
State Conservation Commission			
Sabetha Multipurpose Lake	\$1,474,223	\$0	\$1,474,223
Land Treatment Cost-Share	3,500,000	0	\$3,500,000
Watershed Dam Construction	1,700,000	0	\$1,700,000
Subtotal - SCC	\$6,674,223	\$0	\$6,674,223
University of Kansas			
Kansas Geological Survey			
Dakota Aquier Study	\$200,000	\$0	\$200,000
TOTAL	\$11,763,527	\$2,000,000	\$13,763,527

- 1 - SWPF = State Water Plan Fund
- 2 - Conservation Fee Fund
- 3 - General Facilities Building Fund

**Kansas Corporation Commission
Contamination Remediation**

Program Description: The Kansas Corporation Commission is responsible for directing the clean-up of water and soil resources contaminated by gas and oil-related products or wastes from active and temporarily abandoned leases. The Kansas Corporation Commission works with responsible parties to develop and implement remediation plans. Conservation Fee Fund money may be used to address areas of contamination which pose an immediate endangerment to water supplies. The remediation program also involves the plugging of abandoned oil, gas or service wells.

The Kansas Corporation Commission tries to maintain an account with a starting balance of about \$500,000 each year to plug abandoned wells and to provide initial investigation of chloride contamination occurrences. The plugging of abandoned wells are prioritized based upon threats to the environment, public water supplies and public health. Abandoned wells are generally not listed as contamination sites unless the pollution is related to the existence of a well or group of wells. There are 64 sites on the Identified Site List which are the responsibility of the Kansas Corporation Commission. A copy of this list is contained in the 1989 "Summary of Bureau of Environmental Remediation Sites in Kansas," February 1990, Kansas Department of Health and Environment.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
Conservation Fee Fund	\$500,000	\$600,000	\$600,000	\$600,000	\$600,000
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Water Quality of all 12 Basin Sections

Five Year Plan: Yes

Water-Related Expenditures: Not applicable

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

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

Program Description: UST-Trust, Multi-state Agreement, and the various Super Fund grants do not cover costs of investigation and clean-up of all contamination sites where the responsible party is not known or can not clean-up a site. Sites contaminated with salt water, which is the most common groundwater contaminate, are of particular concern. \$2,000,000 is recommended for remediation of those sites that cannot be remediated with other sources of funds.

There are 322 sites on the Identified Site List which are the responsibility of the Kansas Department of Health and Environment. These funds will be used to remediate the priority sites on the list. A copy of this list is contained in the 1989 "Summary of Bureau of Environmental Remediation Sites in Kansas," February 1990, Kansas Department of Health and Environment.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$2,000,000	\$3,000,000	\$200,000	\$0	\$0
FTE	0	0	0	0	0

Compliance With Legal Requirements

- Sub-section Implemented:** Water Quality, All Basin Sections
- Five Year Plan:** Yes
- Water-Related Expenditures:** Yes
- Existing Positions:** Not applicable
- Recreation Project Goals:** Not applicable

4-5

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

Program Description: This program provides grants to local units of government for water quality protection at the local level. Local involvement allows a more efficient response to water quality needs than the state can provide. The FY 1992 funding recommendation provides grants to counties for program development, implementation and enforcement of local environmental protection plans.

Local health departments or other local entities may apply for grants individually or in groups. The program is developed in two phases. The initial phase is core component development. This phase includes the implementation and enforcement of the county sanitary code for the management of on-site sewage disposal systems and private wells, and subdivision water and wastewater management.

The second phase of the program is the development and implementation of supplemental components which expand the core services. Supplemental components could include solid waste management, public water supply protection, hazardous waste management, hazardous waste management and non-point source pollution control; depending upon local needs. Both core and supplemental components can be tailored to provide targeted protection for especially valuable and/or vulnerable resources.

All counties are eligible for \$7,000 or \$0.55 per capita, up to \$125,000, in base funds. Base funds are used for basic program operation and development, including salary for local environmental specialists. Counties may also apply for target funds to implement targeted protection programs for valuable and/or vulnerable resources.

Of the \$1,366,137 recommended for FY 1992, \$150,000 is recommended for the continuation of the Household Hazardous Waste Program. This expenditure would allow for the continuation of grants to communities which are developing local hazardous waste collection programs.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$1,366,137	\$2,189,182	\$2,189,182	\$2,189,182	\$2,189,182
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Water Quality, All Basin Sections

Five Year Plan: Yes

Water-Related Expenditures: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

4.6

**Kansas Department of Health and Environment
Private Well Protection**

Program Description: This expenditure would, in part, implement the Protection of Private Well Water Supplies Sub-section.

These funds are for the Kansas Department of Health and Environment to assume responsibility for coordination and administration of the program as outlined in the *Kansas Water Plan*. The Kansas Department of Health and Environment will:

- a. Assemble and publish a private well owner's handbook.
- b. Encourage health departments to provide periodic screening of private wells.
- c. Provide a list of certified laboratories to the county health officials and county extension agents, for public distribution.
- d. Train county health departments and extension agents to provide technical assistance to private well owners for remediation of problems in their well water supplies.
- e. Contract with the Cooperative Extension Service to conduct workshops on protection of private well water supplies in each basin.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$86,877	\$33,721	\$30,407	\$26,927	\$23,274
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Protection of Private Well Water Supplies, Quality Section

Five Year Plan: Yes

Water-Related Expenditures: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Department of Health and Environment
Non-Point Source Program**

Program Description: This technical assistance program is available to local health departments, conservation districts or other local entities, for the Local Environmental Protection Program and the Non-Point Source Pollution Control Program.

The fundamental purpose of the Local Environmental Protection Program is to facilitate the effective use of local authority to prevent or correct pollutant sources which degrade water quality. Technical assistance is available to local entities to develop and implement programs related to hazardous or solid waste management, non-point source pollution management, or public water supply protection, depending on local water quality needs.

The Kansas Department of Health and Environment is responsible for providing technical assistance to local entities to assure that local non-point source programs are conducted in accordance with Kansas Non-point Source Pollution Control principles and practices.

The Kansas Non-point Source Pollution Control Fund is administered by the Kansas State Conservation Commission. Funds are provided to county conservation districts for implementing non-point source pollution control plans in targeted geographic areas.

Complete execution of a non-point source pollution control plan consists of three phases: (1) assessment, (2) implementation and (3) evaluation. Assessment is the process of determining the specific needs of the targeted area and preparing a detailed implementation plan or action plan to restore damaged water quality or prevent future water quality damages. The action plan will identify needed pollution control measures, their cost and schedule for installation. Evaluation is the process of determining whether the action plan was fully implemented and the desired water quality restoration or protection results achieved.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$429,410	\$440,885	\$462,928	\$486,075	\$510,379
FTE	0	0	0	0	0

Compliance With Legal Requirements

- Sub-section Implemented:** Water Quality, All Basin Sections
- Five Year Plan:** Yes
- Water-Related Expenditures:** Yes
- Existing Positions:** Not applicable
- Recreation Project Goals:** Not applicable

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

Program Description: This recommendation is for continuation of the renovation project at the Cheyenne Bottoms Waterfowl Area. For FY 1992, work will be accomplished in accordance with the hydrology and engineering study conducted by the Kansas Department of Wildlife and Parks. The proposed FY 1992 work will include reconfiguration of dikes, development of a water transport system or improvement of the existing system, and development of deep water storage and gaging.

The Cheyenne Bottoms Waterfowl Area is a critical stopping point for migrating birds. The proposed developments will assist in providing needed habitat for waterfowl by assuring adequate water management facilities are available.

**Governor's
Recommendation Projections for Future Fiscal Years**

	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
General Facilities					
Building Fund	\$500,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Fish, Wildlife and Recreation, Lower Arkansas and Upper Arkansas Basin Section

Five Year Plan: Yes

Water-Related Expenditures: Not applicable

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Department of Wildlife and Parks
Hillsdale State Park**

Program Description: This recommendation project provides for continued development of a state park at Hillsdale Reservoir in Miami County. Development of the park was initiated in FY 1989 with the preparation of a Master Plan. Additional funds have been provided in subsequent years to provide for construction of facilities.

For FY 1992, new construction will be focused on enlarging overnight facilities and major development, such as shower buildings, bathhouses, roads, utilities and a park office and shop. Such facilities will be constructed at various locations within the park in accordance with the Master Plan.

Hillsdale State Park is located in close proximity to a major metropolitan area and heavy use of the park is anticipated. Therefore, the proposed facilities are needed to address the estimated visitation that will occur.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
General Facilities					
Building Fund	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Fish, Wildlife and Recreation, Marais des Cygnes Basin Section

Five Year Plan: Yes

Water-Related Expenditures: Not applicable

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas State Board of Agriculture
Division of Water Resources
Conservation Plan Coordination**

Program Description: For FY 1992, \$100,000 will be used to continue contracts with the five groundwater management districts. Each district will use this money to carry out Water Conservation Program plan review and implementation. This activity will assist the Chief Engineer-Director in carrying out his responsibility to review conservation plans which may be required as conditions of permits issued by the Chief Engineer-Director.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$100,000	\$150,000	\$150,000	\$150,000	\$150,000
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Water Use Conservation, Conservation Section

Five Year Plan: Yes

Water-Related Expenditures: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas State Board of Agriculture
Division of Water Resources
Water Data Base Renovation**

Program Description: These funds will be used for the second year of a two year study to determine computer support needs with respect to the Kansas Water Data Base. The present water rights information system, which operates on the mainframe, was designed by the Division of Information Systems and Communications in 1978-1979, programming started in 1980, and the first water data entered in 1981. This system is used by the Division of Water Resources, many other state agencies and other entities. By 1994, this system will be 15 years old and needs updating and revision to take advantage of significant technical improvements in hardware and software developed over the past 15 years.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$50,000	\$0	\$0	\$0	\$0
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: This type of project was anticipated in the FY 1988 Monitoring, Data and Information Sub-section implemented in FY 1988.

Five Year Plan: Yes

Water-Related Expenditures: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Water Office
Geographic Information System**

Program Description: On behalf of the GIS Policy Board \$620,888 is recommended from the State Water Plan Fund. These funds will be used for second year database development and acquisition and for a Data Access Center. This may include continuation of multi-year development projects initiated in FY 1991 (e.g., soils, land use/cover) as well as initiation of new data sets not previously funded for development (e.g., intermediate scale geology, surface elevation).

This expenditure only represents the *Kansas Water Plan* component of state's effort to manage the development of geographic information technology. More detailed information is available from the Geographic Information Policy Board report.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$620,880	\$500,000	\$300,000	\$300,000	\$300,000
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: This type of project was anticipated in the FY 1988 Monitoring, Data and Information Sub-section implemented in FY 1988.

Five Year Plan: Yes

Water-Related Expenditures: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**Kansas Water Office
Geography Resource Center**

Program Description: The Geography Resource Center is to be located at one of the universities participating in the Kansas Geography Alliance Education Program. The Geography Resource Center will provide support facilities and training for geography teachers as well as develop the outcome-based natural resources curriculum for Kansas schools. The Public Education Sub-section of the *Kansas Water Plan* includes the following recommendations:

"The State of Kansas should establish a natural resources geography curriculum in the public school system, supported by a Geography Resource Center." ...
 "State funding for the Geography Resource Center is projected to cost \$100,000 per year for three years." ...
 "Funding will come through an appropriation to the Kansas Water Office...."

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$100,000	\$100,000	\$100,000	\$0	\$0
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Public Education, Management Section
Five Year Plan: Yes
Water-Related Expenditures: Yes
Existing Positions: Not applicable
Recreation Project Goals: Not applicable

**Kansas Water Office
Lower Arkansas River**

Program Description: This Stream/Aquifer Interaction Research of the Arkansas River between Hutchinson and Wichita was initiated because salty water in the Arkansas River has diffused into the adjacent Equus Beds Aquifer. The Equus Beds serves 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 fresh water.

Recent hydrologic study in the area started in FY 1986 when the Bureau of Reclamation, under their assistance-to-states program, drilled 21 observation wells in a cross section between Bentley and Colwich. Work has continued since that time and state cost-sharing will be necessary in FY 1992 to allow continued involvement by the Bureau of Reclamation.

\$100,000 is recommended to match the funds from the Bureau of Reclamation and the U.S. Geological Survey for model development, assessment and evaluation for the study area and report preparation. This information is necessary to enable appropriate management policies to be carried out by Groundwater Management District No. 2 and the Division of Water Resources.

The following table indicates the fiscal requirements of this project:

	<u>FY 86-FY 91</u>	<u>FY 92</u>
Kansas Water Office	\$201,588	\$100,000
Groundwater Management District No. 2	86,000	17,000
Federal Funding	<u>815,390</u>	<u>130,000</u>
TOTAL	\$1,102,978	\$247,000

	Governor's Recommendation Projections for Future Fiscal Years				
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$100,000	\$0	\$0	\$0	\$0
FTE	0	0	0	0	0

Compliance With Legal Requirements

- Sub-section Implemented:** Water Supply, Lower Arkansas Basin Section
- Five Year Plan:** Yes
- Water-Related Expenditures:** Yes
- Existing Positions:** Not applicable
- Recreation Project Goals:** Not applicable

**Kansas Water Office
Upper Arkansas River**

Program Description: 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. A three-year study was proposed by the Kansas Geological Survey and the first year funded was in FY 1986. The subsequent two-study years 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 there was a strong interaction between the streamflow and groundwater. An allocation of \$20,000 was used to fund the second year of the study to develop a simulation model of the reach so alternative management options may begin to be explored. An additional two years of model verification and impact assessment will follow. This work will be completed by the Kansas Geological Survey.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$36,000	\$32,000	\$0	\$0	\$0
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Water Supply, Upper Arkansas Basin Section

Five Year Plan: Yes

Water-Related Expenditures: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

**State Conservation Commission
Sabetha Multipurpose Lake**

Program Description: The Multipurpose Small Lakes Program provides for "add on" features to a planned structure (dam). The "add on" feature provides for the development of a proposed structure to its fullest potential and renovation of an existing structure to provide for additional benefits. A planned flood control structure, if it meets the criteria, may become a multipurpose structure by adding water storage and/or recreation. A planned water supply structure may become a multipurpose structure by adding flood control or flood control and recreation. The same holds true for a renovation project. Each structure must contain flood control features to be eligible for Multipurpose Small Lakes Program funding. State assistance for water supply "add on" requires reimbursement.

For FY 1992 \$1,474,233 is recommended for the Poney Creek Project at Sabetha. This project will provide flood control for a severe flood prone area and public water supply for the cities of Sabetha and Morrill. The City of Sabetha, as a co-sponsor of the project, will reimburse the state for the cost of the water supply storage (\$815,425) when it purchases the water right.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$1,474,223	\$1,136,000	\$1,530,000	\$0	\$0
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Water Supply and Flooding; Kansas-Lower Republican and Missouri Basin Sections

Five Year Plan: Yes

Water-Related Expenditures: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable (State assistance is not provided for the recreation portion of this project.)

**State Conservation Commission
Land Treatment Cost-Share**

Program Description: Land Treatment Cost-Share funds are recommended for the Water Resources Cost-Share Program (\$2,720,000) and the High Priority Water Resources Cost-Share Program (\$780,000). The Water Resources Cost-Share Program provides funds on a cost-sharing basis to assist landowners in the construction of enduring water resources conservation projects. These projects, not a part of normal project farming operations, are in the public interest for the protection and enhancement of the water resources. Construction costs of these practices exceed financial benefits accruing to the landowners.

Funds for the Water Resources Cost-Share Program will be administered through all 105 conservation districts based upon water quality, water quantity and district size. Each conservation district develops its program from among state approved practices, and each determines priorities for granting cost-share assistance. Specific projects identified for FY 1992 are available from the conservation districts through the State Conservation Commission.

The High Priority Cost-Share Program is a land treatment program which provides state financial assistance on a cost-sharing basis for the establishment of enduring conservation practices. Funding for this program is targeted to high priority areas within the state which are identified through the *Kansas Water Plan* annual basin planning process.

The program is administered to Kansas landowners through the 105 county conservation districts. Each conservation district develops its program from among state approved practices; and each determines priorities for granting cost-share assistance, provided they are consistent with the state's identified priorities. Specific projects identified for FY 1992 are available from the conservation districts through the State Conservation Commission.

	Governor's Recommendation				
	Projections for Future Fiscal Years				
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$3,500,000	\$8,410,655	\$8,890,727	\$9,263,397	\$5,866,056
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Water Quality, All Basin Sections; Water Supply, All Basin Sections but the Missouri; Flooding all Basin Sections but the Upper Republican

Five Year Plan: Yes

Water-Related Expenditures: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

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

Program Description: For FY 1992, the results of the previous research will be used to develop a foundation for the characterization of the future water resources potential of the Dakota Aquifer in the areas presently experiencing the heaviest use and where the aquifer outcrops or is in the shallower part of the subsurface.

Also during FY 1992, additional sampling of the monitoring sites will be undertaken in order to complete the database on geochemical and isotopic analyses for the hydrostratigraphic units studied. This work will help to establish a database for geochemical and isotopic signatures for the geologic units that currently have little available information.

With the completion of the synthesis phase during FY 1992, Kansas Geological Survey expects to be considerably ahead of schedule in the Dakota Aquifer Program. Further efforts during years five through nine will be devoted to areas of northwest Kansas where the depth to the Dakota Aquifer is considerable.

	Governor's Recommendation	Projections for Future Fiscal Years			
	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
State Water Plan Fund	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
FTE	0	0	0	0	0

Compliance With Legal Requirements

Sub-section Implemented: Water Supply, Smoky Hill-Saline and Solomon Basin Sections

Five Year Plan: Yes

Water-Related Expenditures: Yes

Existing Positions: Not applicable

Recreation Project Goals: Not applicable

Status of the State Water Plan Fund

	FY 1990 <u>Actual</u>	FY 1991 <u>Estimate</u>	FY 1992 Governor's <u>Recommendation</u>
Beginning Balance	-----	\$264,789	\$2,339,375
Reappropriations in Agency Accounts	-----	968,748	-----
Receipts			
SGF Transfer	-----	\$5,895,000	\$3,000,000
EDIF Transfer	-----	2,000,000	-----
Municipal Water Use Fee	\$2,263,691	3,100,000	3,100,000
Industrial Water Use Fee	557,793	1,341,147	1,600,000
Stock Water Use Fee	107,560	226,800	237,000
Pesticide Label Fees	998,379	1,937,950	1,937,500
Fertilizer Use Fees	690,600	621,600	590,500
Environmental Fines	<u>94,875</u>	<u>94,875</u>	<u>94,875</u>
Total receipts	\$4,712,898	\$15,217,372	\$10,560,325
Transfers in (Lapses from Agency Accounts)	<u>-----</u>	<u>\$1,361,207</u>	<u>-----</u>
Total Available	\$4,712,898	\$17,812,116	\$12,899,700
Transfers Out			
Expenditures from Agency Accounts	\$1,736,904	\$15,472,741	\$11,763,527
Transfer to SGF	381,250	-----	-----
Balance in Agency Accounts	<u>2,329,955</u>	<u>-----</u>	<u>-----</u>
Total Transfers Out	\$4,448,109	\$15,472,741	\$11,763,527
Balance Forward	<u>\$264,789</u>	<u>\$2,339,375</u>	<u>\$1,136,173</u>

**FY 1990 Actual Expenditures
From the State Water Plan Fund**

1. Transfer to the State General Fund \$381,250

This transfer was made to reimburse the State General Fund for State Water Plan Program expenditures financed from the State General Fund that were in addition to the 1989 Governor's Budget Report recommendations. These additional program expenditures were: Watershed Dam Construction Program - \$365,000, Stream/Aquifer Interaction Studies - \$150,000, Mineral Intrusion Study \$66,250 - for a total of - \$581,280. \$200,000 of this amount was offset by legislative action to finance the Dakota Aquifer Study from oil over charge funds rather than the State General Fund as recommended by the Governor.

2. State Conservation Commission

- A. Watershed Planning \$98,855

Professional Engineering Services contract to provide topographic maps for 32 proposed watershed dam sites in the North and Upper Black Vermillion watershed drainage area of the Upper Black Vermillion Watershed Joint District No. 37 in Marshall and Nemaha counties.

- B. Watershed Construction Program \$358,080

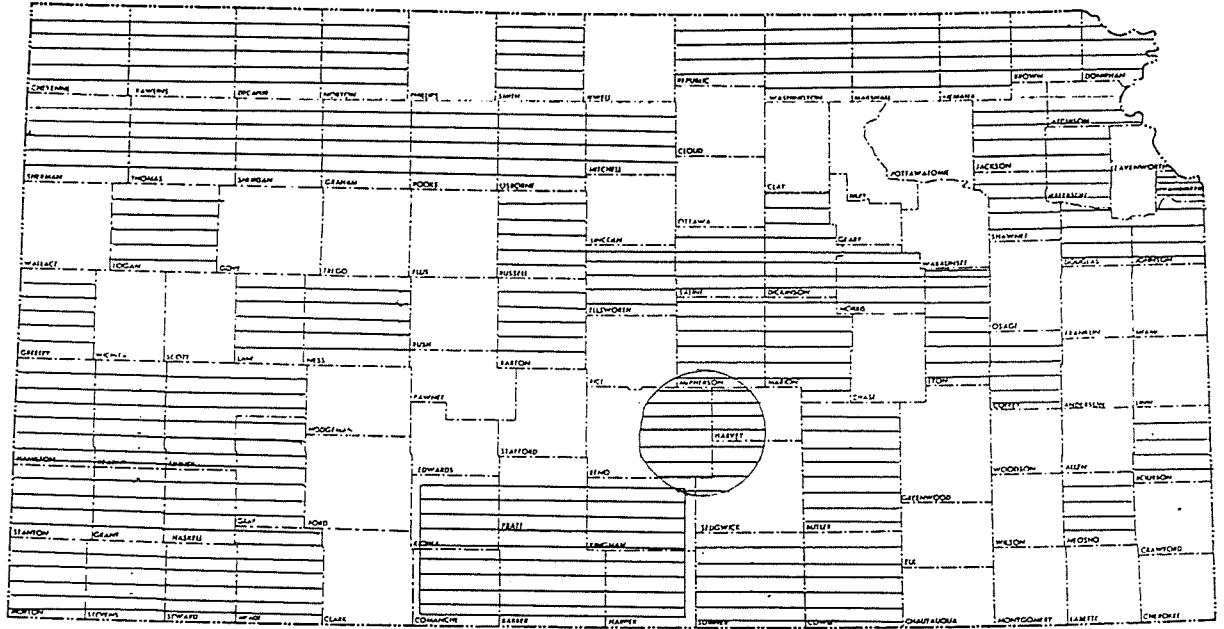
This program provides state cost-share assistance for the construction of watershed dams. The maximum cost-share level is 70 percent of the actual costs of construction and the actual costs of engineering, geologic investigations and inspections, not to exceed 10 percent of the construction costs. The maximum annual assistance shall not exceed \$120,000.00 per district. FY 1990 State Water Plan Fund projects were:

Watershed District	Site	County	Actual Expenditure
Delaware No. 10	D-14	Jackson	\$ 26,097
Wolf River No. 66	11-7	Brown	33,800
Wolf River No. 66	B-2	Brown	39,640
Delaware No. 10	D-68	Jackson	17,024
Rock Creek No. 45	50	Pottawatomie	20,728
Rock Creek No. 45	59	Pottawatomie	41,520
Upper Walnut No. 33	SP-3	Butler	60,000
Whitewater No. 22	SP-5	Butler	80,226
Delaware No. 10	C-125	Jackson	19,169
Delaware No. 10	C-129	Jackson	<u>19,876</u>
			<u>\$358,080</u>

C. Non-Point Source Pollution Control

\$16,757

Technical assistance contract with a consultant to provide assistance to Kansas conservation districts in the process of development and implementation of a Local Non-Point Source Pollution Management Plan and Project Work Plan. The consultant provided assistance to 57 conservation districts in 60 meetings at 48 locations during FY 1990. Technical assistance was provided in the following counties:



D. Land Treatment - Wellington Multipurpose Small Lake

\$158,074

Land treatment measures are cost-shared with landowners in the drainage area of the Wellington Multipurpose Small Lakes Project in Sumner County. Land treatment is required by statute in the drainage area to protect the state's investment from pollution and sedimentation. The maximum cost-share rate is 80 percent of the actual costs or county average costs, whichever is less. Cost-share funds were used to construct 103.37 acres of grassed waterways and 70.66 miles of terraces. Seventeen contracts remain to be completed.

E. Water Resources (Land Treatment) Cost-Share Program

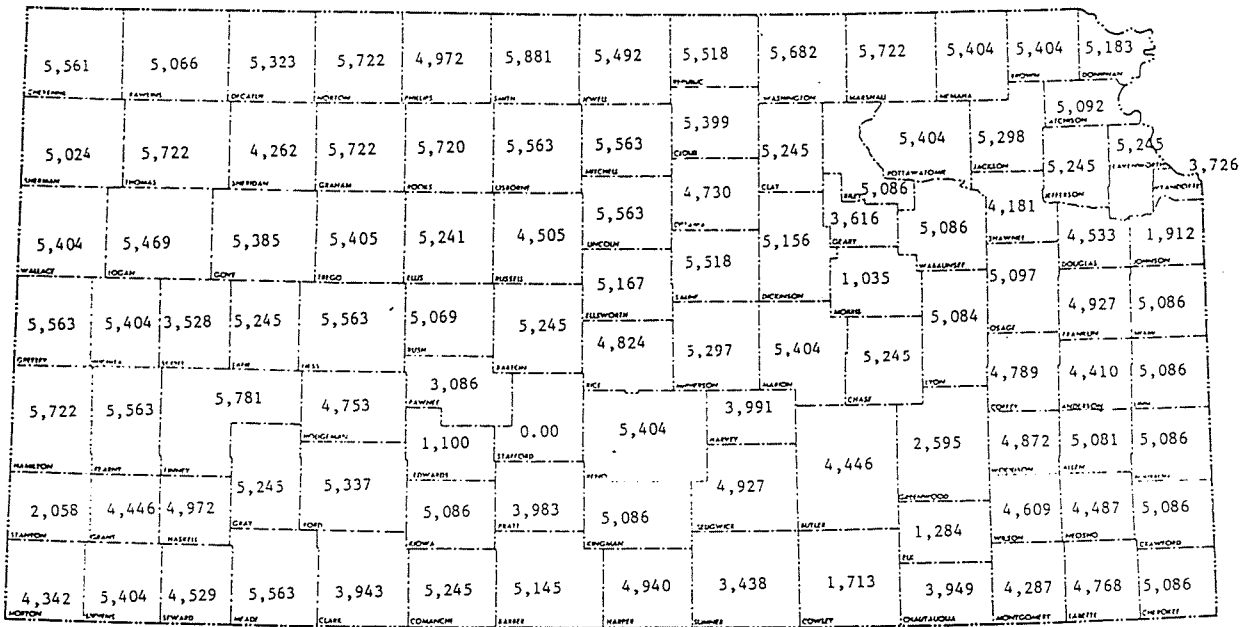
\$499,456

This program provides funds on a cost-sharing basis to assist landowners in the construction of enduring water resources conservation projects. These projects, not a part of normal project farming operations, are in the public interest for the protection and enhancement of the water resources. Construction costs of these practices exceed financial benefits accruing to the landowners.

Funds for the program are administered through all 105 conservation districts based upon water quality, water quantity and district size. Each conservation district develops its program from among state approved practices, and each determines priorities for granting cost-share assistance. However, the state establishes priority areas which are identified in the State Water Plan. FY 1990 State Water Plan funds

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were spent in each county as indicated on the map. The specified projects funded in each county are available from the State Conservation Commission.

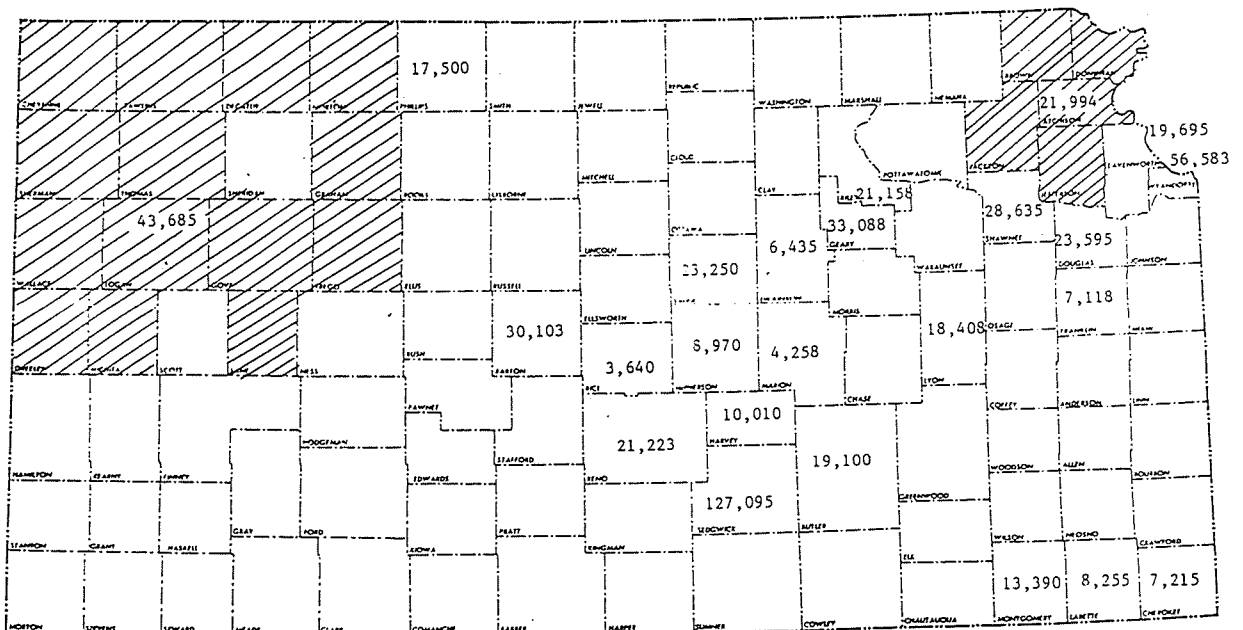


3. Kansas Department of Health and Environment

A. Local Environmental Protection Grants

\$574,403

This program provides grants to local units of government for water quality protection at the local level. All counties are eligible for \$7,000 or \$.55 per capita, up to \$125,000 in base grants. Counties which applied and received grants in FY 1990 are as follows:



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B. Contamination Remediation \$7,263

The objective of this program is to mitigate environmental damage at sites for which there is no known responsible party. For FY 90, \$7,263 was spent from the State Water Plan Fund for a preliminary site investigation of the Smith/Wasko Saltwater Site in Hodgeman County.

C. Non-Point Source Pollution \$24,016

The objective of this program is to maintain and improve environmental quality through the control of general sources of pollution. For FY 90 funds were spent to provide technical assistance for these program activities.

Total FY 1990 State Water Plan Fund Expenditures \$2,118,154