

Approved

Ken Grotewiel  
Date 2/24/92

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES

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

3:35 ~~xxx~~ p.m. on February 19, 1992 in room 526-S of the Capitol.

All members were present except:

Representative Corbin, excused  
Representative McKechnie, excused

Committee staff present:

Pat Mah, Legislative Research Department  
Mary Torrence, Revisor of Statutes Office  
Lenore Olson, Committee Secretary

Conferees appearing before the committee:

Chiquita Cornelius - Kansas BIRP  
William Mitchell - Kansas Recyclers Association  
Ernie Mosher - League of Kansas Municipalities  
Robert Evans - Development Services Administrator,  
City of Kansas City, Kansas  
Ron Hammerschmidt - Deputy Director, Div. of Environment, KDHE  
Karl Mueldener - Director, Bureau of Water, KDHE  
Dan Ramlow - Executive Director, Kansas Contractors Association  
Edward "Woody" Moses - Kansas Aggregate Producers' Association and  
Kansas Ready Mixed Concrete Association  
Chris Wilson - Director of Public Affairs, Kansas Grain & Feed Association  
Tom Slattery - Associated General Contractors of Kansas

The Chair announced that the hearing on HB 2801 would continue from  
February 18, 1992.

Chiquita Cornelius, Kansas BIRP testified on HB 2801, stating that they generally support this bill. She said that they have concerns regarding the definition of a solid waste processing facility as well as the rules and regulations which would be imposed by this legislation on those recycling and processing materials reclaimed from the waste stream. They also question the new language that could impose or negate legislative authority to set policy. (Attachment 1)

William Mitchell, Kansas Recyclers Association, testified on HB 2801, stating that his industry agrees that Kansas has a landfill crisis, but they have suggestions for amendments as shown on (Attachment 2).

Ernie Mosher, League of Kansas Municipalities, testified in opposition to HB 2801 for the purpose of offering a series of amendments. He said that they do not oppose the basic thrust of this bill, but would like to have their sixteen proposals in the bill. (Attachment 3)

Robert Evans, City of Kansas City, Kansas, testified on HB 2801. He said that they are not in opposition to developing a formula for the formation of a solid waste management plan in Kansas, but do oppose placing local planning authority exclusively in the county.  
(Attachment 4)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,

room 526-S, Statehouse, at 3:35 ~~am~~/p.m. on February 19, 1992.

The Chair called on Ron Hammerschmidt, Deputy Director, Division of Environment, KDHE, to respond to questions from the Committee. Mr. Hammerschmidt answered to questions on HB 2801 in the areas of funding mechanism, goals for reduction in landfill waste, and EPA Subtitle D regulations.

The Chair closed the hearing on HB 2801.

The Chair directed the Committee to turn to HB 2887 (oil and gas; procedures on unit operation plans; hearings).

A motion was made by Representative Gatlin, seconded by Representative Holmes, to report HB 2887 favorable for passage. The motion carried.

The Chair directed the Committee to turn to HB 2888 (oil and gas; protection of water from pollution). Representative Holmes reviewed a proposed amendment to HB 2888 as shown on (Attachment 5)

A motion was made by Representative Holmes, seconded by Representative Shore to amend HB 2888 as proposed by Representative Holmes. The motion carried.

The Committee discussed HB 2888 but did not take any further action on this bill.

The Chair directed the Committee to turn to HB 2889 (oil and gas; disposal wells).

A motion was made by Representative Hendrix, seconded by Representative Glasscock, to report HB 2889 favorable for passage. The motion carried.

Chairperson Grotewiel opened the hearing on HB 2802.

HB 2802 - An act concerning permits for discharge of sewage; providing for general permits; amending KSA 1991 Supp. 65-165 and repealing the existing section.

Karl Mueldener, Director, Bureau of Water, KDHE, testified in support of HB 2802, stating that it would simplify the wastewater permitting process through the use of general permits. He said that a major driving force in seeking this legislation are regulations issued by the U.S. EPA requiring issuance of permits for stormwater discharges from business and industries. (Attachment 6) Mr. Mueldener then responded to questions from the Committee.

Dan Ramlow, Kansas Contractors Association, testified in support of HB 2802. He stated that if this bill were not to pass, the cost to the KDHE, as well as contractors and other owners such as municipalities, would be unduly harsh. (Attachment 7)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,

room 526-S, Statehouse, at 3:35 ~~xxx~~/p.m. on February 19, 1992

Edward "Woody" Moses, representing the Kansas Aggregate Producers Association and the Kansas Ready Mixed Concrete Association, testified in support of HB 2802. He said that granting the Secretary of Health and Environment the authority to issue general permits to govern stormwater would considerably reduce the cost of compliance to meet the provisions of the federal Clean Water Act. He suggested amending Section 3 to allow for implementation with publication in the "Kansas Register."  
(Attachment 8)

Chris Wilson, Kansas Grain and Feed Association, testified in support of HB 2802 because they believe it would give Kansas the option of having general permits issued in the state for like types of facilities.  
(Attachment 9)

Tom Slattery, Associated General Contractors of Kansas, testified that they support HB 2802.

Vice Chairperson McClure closed the hearing on HB 2802.

The meeting adjourned at 5:10 p.m.



**Kansas Business and Industry Recycling Program, Inc.**

2231 S.W. Wanamaker Rd., Suite 200, Topeka, KS 66614 (913) 273-6808 FAX: (913) 273-2405



Testimony on HB 2801 Presented to  
The Special Committee on Energy and Natural Resources

by

Chiquita Cornelius, Executive Director

Kansas Business and Industry Recycling Program, Inc.

February 18, 1992

Mr. Chairman and Members of the Committee:

The Kansas Business and Industry Recycling Program (KS BIRP) is a nonprofit organization founded in 1983 which is dedicated to the reduction of the waste stream by increasing the recycling capability of our citizens.

Our membership is comprised of retail and wholesale businesses, manufactures, recycling centers, processing facilities for recyclables and waste removal companies. This broad base of membership provides us with insight and input from companies and individuals from the time a product is produced, distributed, purchased, until it's reclaimed or disposed of.

Many of these companies have fostered programs which have increased our recycling capability in the state of Kansas and therefore have first hand knowledge of the challenge we face in dealing with the reclaiming of materials which have routinely been disposed of in our solid waste stream.

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House E+NR  
Attachment 1

KS BIRP generally supports HB 2801. We feel it is important to move forward with a waste management plan for the state of Kansas and provide funding for this plan. For several years we have suggested in our testimony that a state solid waste tonnage fee was an appropriate way to generate the revenue needed.

I am currently serving on the Shawnee County Solid Waste Management Advisory Committee which recommended to our commissioners a similar fee be assessed at the county level. That recommendation was acted upon and a 50¢ per cubic yard (approximately \$1.50 per ton) fee was assessed effective January 1, 1991. We found this to be very acceptable to the public. The commissioners indicated to us not one call in opposition was received from the public, or business sector regarding the additional cost to dispose of municipal solid waste. Some concerns were raised regarding the cost of disposing of materials in demolition landfills, therefore, a reduced rate of 25¢ for each cubic yard (approximately \$ .75 per ton) was found to be more acceptable and that fee was assessed starting in October 1991. We believe this method of generating funds is fair, across the board and requires those who dispose the most to pay the most. We also feel this has been one of the reasons we are seeing an increased interest in internal waste reduction programs by those who generate substantial amounts of solid waste. We have assisted businesses with these programs and have found reductions of up to 25% can be achieved within the first year.

We support the concept of this bill which allows for flexibility at the local level to design their plans to best suit

their needs and/or problems and the provisions which encourage regionalization.

We do, however, have concerns regarding the definition of a solid waste processing facility and the rules and regulations which would be imposed by this legislation on recycling and processing those materials reclaimed from the waste stream.

We do not believe it was the intent of this bill to impose these strict regulations on the centers and programs with whom we work but if passed in its present form we would be saying to the 4-H club in Washington, KS, for example, you must:

- 1) apply for a permit with an application fee not to exceed \$10,000
- 2) pay an annual fee not to exceed \$5,000
- 3) be subjected to a background investigation and/or a criminal background investigation by the Attorney General
- 4) have a professional engineer prepare the data regarding the collection site
- 5) receive approval from the secretary of the types and quantities of waste allowable for processing
- 6) meet a financial test for closure and post closure.

This could virtually shut down the successful collection network for recyclables that already exists in Kansas whether it is the 4-H newspaper recycling program, the drop-off programs run by dedicated volunteers, the small privately owned buy back centers or the responsible businesses which have started programs to reclaim items from the public or put internal waste reduction programs in

place.

We understand some concerns the Department of Health and Environment have but we feel it is imperative that those concerns be met by using language more clearly defining those particular concerns.

We also would raise the question as to whether some of the new language in Section 3 imposes on or negates legislative authority to set policy.

Mr. Chairman, our organization has long been supportive of a comprehensive solid waste management plan. We are willing to assist in every way to find alternatives to our concerns as the committee strives for passage of HB 2801.



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Secretary  
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President:  
Russell L. Fallis Jr  
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The Kansas Scrap Recycling Industry is a vital and well established infra-structure which has been processing recyclable materials for over a century. Our industry has provided a valuable service to consumers, manufacturers, and Kansas without subsidies, tax advantages or grants by reclaiming secondary materials for re-use into new products, conserving natural resources and making better use of diminishing landfill capacity. But we stand to be legislated out of business by state and federal legislation, enacted by those who have little to no conception of what we do. And that is why we are here today.

The scrap recycling industry is a valuable component of the economic and environmental life of our state. The Kansas Recyclers Association recognizes that the clear benefits of scrap recycling can be optimized through the utilization of equipment and expertise that presently exists.

The Kansas Recyclers Association generally supports HB#2801 with the following suggestions:

Section 1-Item C: The words Recycling facility should be eliminated along with salvaged or otherwise processed.

The following definitions should be added to section 1:

Recyclables: Are Scrap Materials that can be used as a replacement for Virgin Material in Manufacturing (Shall include but not limited to Ferrous Metal, Non-Ferrous Metal, Scrap Paper Products, Scrap Plastic's and Scrap Glass).

Scrap Material Recycler & Processor: Accepts, processes and markets Recyclables that are used as replacement for virgin material in manufacturing (shall include but not be limited to Ferrous Metal, Non Ferrous Metal, Scrap Paper Products, Scrap Plastics and Scrap Glass).

Scrap Material Recycler & Processing facility: A fixed location that utilizes machinery and equipment for processing recyclables-- including, ferrous and nonferrous metals, scrap paper products, scrap plastics and scrap glass into prepared grades ready for consumption as a raw material.

Shredder Fluff: If it is able to be used as daily cover by guidelines under environmental criteria, it shall not be considered solid waste.

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Attachment 2

New Section C-Item A: Fees should be established by legislature and adjusted by the legislature.

In utilizing good common sense, recyclables are not solid waste, they are raw materials used by steel mills, ingot makers, non-ferrous metal smelters, plastic extruders, glass manufacturers and paper mills in their manufacturing process. Recycling can only take place by collection of the material, processing the material, and the re-use of the material.

Our industry agrees that Kansas has a landfill crisis. We have been and are truly part of the solution and are looking forward to working with counties and regional centers in their recycling endeavors.

Sincerely



Russell L. Fallis Jr.  
President  
Kansas Recyclers Assn., Inc.



THE LEAGUE  
OF KANSAS  
MUNICIPALITIES

Municipal  
Legislative  
Testimony

AN INSTRUMENTALITY OF KANSAS CITIES 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

**TO:** House Committee on Energy and Natural Resources  
**FROM:** E.A. Mosher, Research Counsel, League of Kansas Municipalities  
**RE:** HB 2801--Solid Waste Management Planning  
**DATE:** February 18, 1992

On behalf of the League and its member cities, I appear in opposition to HB 2801 for the purpose of offering a series of amendments. We want to emphasize that the League does not oppose the basic thrust of HB 2801. We do think some changes to the bill are necessary, as discussed below.

(1) **Definitions.** In view of the amount of the initial and annual fees to be imposed (beginning on line 14, page 9) on a "solid waste processing facility", the definition of such a "facility" on page 1, lines 31:35 needs refinement.

(2) **Timing of Plans.** A reasonable target date should be established for submission of the required or revised new plans. We think this should be established by law and not left to the discretion of KDHE.

(3) **State Plan.** The time for completion of county or regional plans should be at least one year following the completion of the "statewide solid waste management plan" that KDHE is now required by law to complete. (See line 21 on page 6.)

(4) **Committees--Municipal Plans.** We have no major objections to the removal of the present city option for plan development found in the existing law, provided some provision is added so that those cities that are performing significant solid waste operations are assured of representation on the committee.

(5) **Waste Reduction Goals.** The waste volume reduction goals, beginning on line 18 on page 5, are presumably based on the EPA goals. We simply call to your attention that a percentage reduction is mathematically impossible unless there is also a base to which the percentages apply.

(6) **Regional Mandates.** The provisions of subsection (i), beginning on line 43 of page 5, should be amended to permit the secretary to "recommend" (present law), but not to "require" the preparation of multi-county plans.

(7) **KDHE Assistance.** Subsection (i) on line 30, page 6, directs KDHE to assist counties to jointly establish and implement regional approaches. This indirectly implies that the agency may not provide any assistance for the development of a single county plan. We think this provision should be amended to apply to countywide as well as multi-county plans.

(8) **Mandatory Recycling.** We question whether the legislature should authorize KDHE to mandate recycling, and suggest the words "whenever feasible" be restored on line 13, page 7.

(9) **Permit Fees.** The sentence stricken in lines 20:22 on page 9 should be restored, thus maintaining the current exemption of local governments from the state's initial application fee and annual fee.

(OVER)

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Attachment 3

**(10) Closure Security.** We have some anxiety as to the "financial test" which would be established by the secretary for closure and post-closure in application to local governments, not line 42, page 9. If there are questions as to the future financial capacity of local governments, we suggest an amendment making it specifically clear that cities and counties, and two or more counties with a joint operation, have unlimited authority to issue general obligation bonds, without a referendum, to finance closure and post-closure requirements. (See lines 18:23 on page 10).

**(11) State Grants.** Lines 33:36 on page 11 require grants to counties, or to two or more counties under a regional plan, be financed only from moneys in the solid waste management fund. We propose this section be amended to also permit the appropriation of grants from the state general fund. While this may be indirectly accomplished by line 38, page 5, we should not close the door to direct general fund appropriations.

**(12) Fees to New Fund.** Line 33 on page 13 provides for payment of "application" fees to the new fund. However, subsection (e) beginning on line 14, page 9, refers to an "initial application fee" and an "annual fee."

**(13) Use of State Fund Moneys.** We want to call to your specific attention the provisions of subsection (8), on page 14, which permits use of fund moneys for administrative costs, including the cost of any additional employees or increased general operating costs. Members of this committee who were actively involved in developing the state water plan fund will recall the extensive discussions as to whether moneys in that fund were to be used for financing existing water programs, or only for new or expanded programs. A similar debate on the use of the solid waste management fund appears appropriate.

**(14) State Tonnage Tax.** While we have some fundamental objections to the concept of a state imposed tax on solid waste, as discussed below, we especially object to delegating the secretary of KDHE, or any other appointed state agency, the power to levy a tonnage tax on solid waste. Given the purposes for which the revenue may be used, it is clearly a tax, like the tire tax, and not simply a regulatory fee or permit charge which normally is limited to recover the cost of regulation. Even if such a delegation is constitutionally permissible, we suggest the Legislature should not abrogate its responsibility to determine the levels of state taxation, especially for an amount of this potential magnitude.

We are aware that other states use "tipping fees" and that there may not now be any politically practical financing alternatives. However, a state imposed tonnage tax on local government disposal operations simply translates into increased collection and disposal fees or higher property taxes. A tonnage tax on private disposal operations not only increases costs to the user but also tends to preempt local negotiations whereby private operators may make funds available for financing local recycling or other efforts. While admittedly difficult to administer or to accomplish politically, many city officials think that state government revenues for solid waste operations should come from state taxes on the "manufacturers" of waste, the so-called "advanced disposal fees", and not from taxes on the final disposition of waste.

**(15) Additional Out-County Fee.** We think subsection (e) on page 16, relating to an "additional fee" on out-county waste needs refinement. It should be a separate section, and handled locally and not through the state.

**(16) State-EPA Regulations.** Finally, we call to your attention what we think is a major policy question--whether we really want our state government to serve as the administrative agency to enforce the new federal EPA regulations in the solid waste area--to become an "approved state". If a tonnage tax of a significant amount is required primarily to staff up the department so it can administer EPA regulations, we need to look at this issue. If the feds are going to call the tune, perhaps they should also have to pay the piper. We hear that other states are reexamining their relationship with EPA. Perhaps the limited funds available in Kansas should be used for purposes other than administering federal programs.

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING  
MUNICIPAL OFFICE BUILDING 701 NORTH 7TH STREET  
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DEAN H. KATERMDAHL  
DIRECTOR

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ECONOMIC DEVELOPMENT DIVISION 573-5730  
COMMUNITY DEVELOPMENT DIVISION 573-5100  
FAX NO. 573-5745

February 19, 1992

Representative Ken Grotewiel and  
Members of the House Energy and Natural Resource Committee  
State Capital, Room 526-S  
Topeka, KS 66612

Chairman Grotewiel and Members of the House Energy and  
Natural Resource Committee:

**HOUSE BILL 2801**

I am appearing before the Committee on behalf of the City of Kansas City, Kansas. In addition, I would also like to offer to the committee correspondence from the County Commissioners of Wyandotte County, the City of Bonner Springs, Kansas, and the City of Edwardsville, Kansas pertaining to the bill now before you for consideration. I would like to state that our testimonies are not in opposition to developing a formula for the formation of a solid waste management plan in Kansas although we do oppose placing local planning authority exclusively in the county.

I am now serving as Development Services Administrator for the City of Kansas City, Kansas. However, for the previous 14 years, I have served as an appointed official in Wyandotte County, Kansas. My previous employment was with the City of Bonner Springs, Kansas. In that capacity I served as City Manager and participated during that period of time in the planning, operation and cooperation with various governmental units in Wyandotte County in regard to solid waste management activities and practices.

I also during that period of time served as a participant in the metropolitan planning process for solid waste activities conducted by the consensus organization. The product of that effort was a report and recommendations for metropolitan cooperation and consideration of solid waste management practices and opportunities.

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Attachment 4

In regards to House Bill 2801 and its impact on both the City of Kansas City, Kansas and other governmental jurisdictions in Wyandotte County, I would offer the following observations.

The history of solid waste management activities in Wyandotte County for the last several years traces a record of cooperation and responsible public practice as it relates to public health considerations and the planning for collection, disposal, and reuse and public education in the area of solid waste activities. Just last Fall, the three cities in Wyandotte County, together with the Board of County Commissioners, entered into a inter-local agreement on a variety of public service activities. Among those activities was an agreement that the cities would work together in the area of household hazard waste and the creation of an active program to meet community responsibilities in this regard. The City of Kansas City, Kansas, together with the City of Bonner Springs manage individual waste collection systems through contract management. That pick-up of solid waste is from over 52,000 living units in the County. The City of Edwardsville currently manages their solid waste collection through individually licensed solid waste haulers. As a very urban county, the three cities currently cover over 98% of the ground area of Wyandotte County. Thus, the regulatory practices involving solid waste of the three cities effectively provide solid waste services to Wyandotte County.

My specific comments to be offered to the committee for your use and consideration would include:

1. A letter from the Board of County Commissioners is attached for the information of the Committee. This letter states that the County does not wish to be the planning agency as called for in House Bill 2801. Since the three cities effectively provide solid waste managements activities in Wyandotte County, this responsibility would seem to be more appropriate as a city generated plan under any adopted requirements of HB 2801.
2. Letters from the City of Bonner Springs and the City of Edwardsville are being forwarded to this committee which will define their responsibilities as currently conducted in the area of solid waste and will also suggest that the cities of Wyandotte County should individually or collectively provide the information and plans as required by HB 2801 as may be adopted by the Legislature.

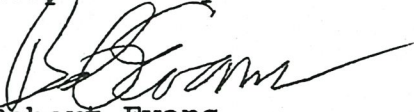
3. House Bill 2801 places the full and sole responsibility for the delivery of a single solid waste management plan upon each County organization. As you can see from the previous comments and from the attached letters, the actual practice and successful implementation of solid waste management activities in Wyandotte County is accomplished by the three cities. Thus, providing alternate language which allows an alternate configuration for the planning group within the County or accepting the individual previously approved plans and their subsequent amendments on the revised Statute is requested. Any area within the County that currently does not have a solid waste management plan could adopt such a plan or be encompassed within an existing plan on file with the State at their request.
  
4. On page 5 in line 9 a set of schedules is proposed for reaching "goals" for the reduction in the solid waste stream of up to 50% in future years. This substantial reduction in solid waste stream and due to the individual configuration of solid waste in this County may or may not be possible. If it is the committee's understanding that these are goals rather than a number which will be uniformly applied throughout the 105 counties of Kansas, then the City of Kansas City, Kansas, certainly has no objection. On the other hand, if the 50% "standard" is to be applied by the Department of Health and Environment as a test to determine whether or not a solid waste plan can be approved by the City, substantial problems will be encountered in a great many urban counties depending upon the administrative guidelines enacted by the Kansas Department of Health and Environment in implementing this section. We certainly would appreciate as much clarity as possible in this section and suggest a more flexible goal or target and as much latitude as possible to the Kansas Department of Health and Environment and allow the counties and cities to administer a solid waste management plan within the limits developed within this section of the act.
  
5. The 50% standard or goal will have a substantial cost to the taxpayers or ratepayers in this state. The pilot programs now in effect in the metropolitan area appear to cost in a range from \$1.50 additional per month to as much as \$2.50 per month. On an average of \$2.00 per month per living unit, the additional costs in Wyandotte County on an annual basis could reach over \$1.2 million a year in additional taxes or rates. WILL THERE BE ANY STATE ASSISTANCE TO OFFSET THESE ADDITIONAL CHARGES?

6. On page 9 in line 20 an annual fee is proposed that may apply to city solid waste sites. If such sites include such activities as household hazardous waste collection sites or properly designed and permitted composting sites for the community, the cities in Wyandotte County may face substantial charges which may threaten the financial feasibility of undertaking such programs. This is especially true if the programs and sites begin on a pilot basis to test market demand and operating procedures. A waiver of such a fee for municipal operations or a reduced fee in the alternative would be more practical.
7. On page 11 the regulation requiring at least one-half mile distance from navigable streams for solid waste sites, depending upon the conditions applied, restrict substantially the sites that could be considered for the previously discussed composting operations if undertaken as well as the household hazardous waste collection sites or recycling sites as set up under the cities' solid waste collection plans. Revision or alternative language to allow such composting or recycling to be designed properly irregardless of the distance from the Kansas or Missouri Rivers and their tributaries would provide much more flexibility to the cities of Wyandotte County.
8. On page 11 in section 5 a grant process is established utilizing funds from the new solid waste collection fund. The language referencing just counties should be amended to include cities in light of the previous comments and testimony offered in relationship to the actual provision of solid waste services and the planning for such services now designed and underway in Wyandotte County. Allowing cities and their programs to be recipients of grant funds would simplify the grant process on behalf of Wyandotte County.

In closing, the City of Kansas City, Kansas, as well as the other cities of Wyandotte County are acting responsibly to provide both day-to-day solid waste collection activities and to move forward on a variety of fronts to meet the challenges offered in the areas of solid waste activities in future years. Active planning, regulatory review, and enforcement activities are underway in all of the cities in Wyandotte County which covers all but a few square miles of unincorporated territory at this time. I would ask the committee to consider the various changes proposed in this testimony to allow a more flexible and efficient approach to the planning, operation and conduct of efficient and responsible solid waste management operation in Wyandotte County by the cities of this county.



Respectfully submitted,



Robert Evans  
Development Services Administrator  
City of Kansas City, Kansas

RE:JLP



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**FRANK A. LIPOVITZ**  
COMMISSIONER 1ST DISTRICT  
**VERDIS J. ROBINSON**  
COMMISSIONER 2ND DISTRICT  
**KAY NIES**  
COMMISSIONER 3RD DISTRICT

February 19, 1992

Committee on Energy and Natural Resources  
House of Representatives  
State of Kansas  
Topeka, Kansas 66612

In re: House Bill No. 2801

Dear Committee Members:

It has been brought to our attention that proposed House Bill 2801 mandates each county to adopt a Solid Waste Management Plan and does not allow municipalities to elect to exclude themselves from such a plan. In Wyandotte County, both the cities of Kansas City, Kansas, and Bonner Springs have previously adopted their own plans. With the annexation of the Piper area by the City of Kansas City, Kansas, effective January 1, 1992, Wyandotte County has less than four square miles of unincorporated area. In recent years, the County has not engaged actively in the Solid Waste Management planning process. It now exercises no planning or zoning authority. It neither contracts for collection or disposal of solid waste or franchises private collecting companies. It neither owns nor operates any disposal site. Both Kansas City and Bonner Springs contract for trash and garbage pickup and disposal. The other areas of the counties (the City of Edwardsville and the Loring area) are provided with trash pickup and disposal services by private companies. Since the County of Wyandotte is not actively involved in the collection and disposal of solid waste, we believe that the responsibility for solid waste management planning should be properly placed in the respective municipalities. The County Health Department will, of course, continue its regulation of nuisances and health problems.

Wyandotte County and its respective cities have recently studied the consolidation of municipal services. In December, 1991, a major interlocal agreement providing

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for consolidation of several governmental operations was executed among the parties. The municipal parties specifically agreed to cooperate in the implementation of a hazardous household waste collection and disposal program. The County Commission is confident that additional cooperation and consolidation among the municipalities within the County will continue in the area of solid waste management. The creation, however, of a County-wide Solid Waste Management Committee and the establishment of a County-wide plan are not required in order for this cooperation to continue.

Clearly, with the municipalities in Wyandotte County taking the lead in the area of solid waste management, it is, therefore, recommended that the authority to conduct Solid Waste Management planning be placed with governmental entities which exercise authority in both the collection and disposal of solid waste.

Respectfully submitted,

  
\_\_\_\_\_  
Verdis J. Robinson

  
\_\_\_\_\_  
Kay Nies

  
\_\_\_\_\_  
Frank A. Lipovitz

1 visions for the construction, operation and abandonment of any well  
 2 and the protection of the usable water of this state from any actual  
 3 or potential pollution from any well. ~~No rules and regulations prom-~~  
 4 ~~ulgated pursuant to this section shall be adopted by the commission~~  
 5 ~~until recommendations have been received from the advisory com-~~  
 6 ~~mittee established by K.S.A. 55-153, and amendments thereto. In~~  
 7 ~~the event the secretary finds that such rules and regulations~~  
 8 ~~are not in accordance with the secretary's recommendations,~~  
 9 ~~the secretary shall submit to the joint committee on adminis-~~  
 10 ~~trative rules and regulations a report specifying therein the~~  
 11 ~~differences between such rules and regulations and such~~  
 12 ~~recommendations.~~

13 (b) The commission annually shall review current drilling meth-  
 14 ods, geologic formation standards, plugging techniques and casing  
 15 and cementing standards and materials. Based on such review, the  
 16 commission, if necessary, shall amend its rules and regulations to  
 17 reflect any changes to be made in such methods, standards, tech-  
 18 niques and materials from the previous year.

19 Sec. 3. K.S.A. 1991 Supp. 55-155 is hereby amended to read as  
 20 follows: 55-155. (a) Operators and contractors shall be licensed by  
 21 the commission pursuant to this section.

22 (b) Every operator and contractor shall file an application or a  
 23 renewal application with the commission. Application and renewal  
 24 application forms shall be prescribed, prepared and furnished by the  
 25 commission.

26 (c) No application or renewal application shall be approved until  
 27 the applicant has:

28 (1) Provided sufficient information, as required by the commis-  
 29 sion, for purposes of identification;

30 (2) submitted evidence that all current and prior years' taxes for  
 31 property associated with the drilling or servicing of wells have been  
 32 paid; and

33 (3) paid an annual license fee of \$100 ~~and~~, *except that an ap-*  
 34 *plicant for a license who is operating one gas well used strictly for*  
 35 *the purpose of heating a residential dwelling shall pay an annual*  
 36 *license fee of \$25; and*

37 (4) *paid* an annual license fee of \$25 for each rig operated by  
 38 the applicant. The commission shall issue an identification tag for  
 39 each such rig which shall be displayed on such rig at all times.

40 (d) Upon the approval of the application or renewal application,  
 41 the commission shall issue to such applicant a license which shall  
 42 be in full force and effect until one year from the date of issuance  
 43 or until surrendered, suspended or revoked as provided in K.S.A.

Any such rules and regulations relating to wells providing cathodic protection to prevent corrosion to lines shall not preempt existing standards and policies adopted by the board of directors of a groundwater management district if such standards and policies provide protection of fresh water to a degree equal to or greater than that provided by such rules and regulations.

2/19/92  
 House E + NR  
 Attachment 5



Department of Health and Environment

Azzie Young, Ph.D., Secretary

Reply to:

Testimony presented to

House Energy and Natural Resources Committee

by

The Kansas Department of Health and Environment

House Bill 2802

Health & Environment requests this bill to simplify the wastewater permitting process through the use of general permits. Presently, each wastewater discharge in Kansas must apply for and be issued a site-specific discreet permit describing the terms and conditions under which the discharge is authorized. The general permit concept authorized in the bill will allow a general permit to be developed covering discharges from specific activities. Any facility conducting the specific activity and having a wastewater discharge could be issued a general permit. For instance, KDHE could develop one general permit for cooling water discharges, and then issue that general permit to specific facilities. The general permit would specify the terms under which the discharge is authorized. The general permit could significantly reduce the burden to the regulated public by simplifying application and issuance procedures.

A major driving force in seeking this legislation are regulations issued by U.S. EPA requiring issuance of permits for stormwater discharges from business and industries. Kansas can either issue general permits, for which we seek authorization, or require approximately 11,400 businesses in Kansas to apply for discreet site-specific permits. To date, the established wastewater discharge permit program manages approximately 4,200 permits covering industries and municipalities, and expanding to 11,400 businesses with the existing program is simply not possible. Regardless of the stormwater issue, we believe it would be more efficient to use general permits for some facilities now permitted under the site-specific system.

EPA has estimated the cost of preparing an individual stormwater application at \$1,000 (28.6 hours) while a general permit application could be completed for \$17.00 (.5 hours). Additionally, turnaround time for issuance of a permit could be as long as six to seven weeks without the general permit authority. Activities requiring permits will include construction sites, industrial yards, salvage yards, and a host of other commercial operations. We believe the general permitting procedure would result in a significant cost savings to applicants and allow KDHE to operate more efficiently.

Testimony presented by: Karl Mueldener  
Director, Bureau of Water  
February 19, 1992

House E+NR  
2/19/92  
Attachment 6

# THE KANSAS CONTRACTORS ASSOCIATION, INC.



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Testimony by Daniel W. Ramlow

Executive Director, Kansas Contractors Association

on House Bill 2802 before the

House Energy and Natural Resources Committee

February 19, 1992

Thank you, Mr. Chairman, and members of the committee. My name is Dan Ramlow and I am Executive Director of the Kansas Contractors Association headquartered in Topeka. Our association represents more than 330 companies which build and supply heavy, highway and utility construction projects throughout the state, and who are vitally interested in the concept behind House Bill 2802, and who are wholeheartedly in support of its passage. I appreciate this opportunity to express our views.

Our contractor members are intimately aware of the U.S. EPA's storm water permit regulations. In fact, almost all of our members' construction activities must be covered by a National Pollutant Discharge Elimination System (NPDES) permit, in that they disturb 5 acres or more of land area. Construction activities disturbing less than 5 acres of land area, if they are part of a larger plan of development, must also be covered by a

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*Attachment 7*

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storm water permit. In addition, asphalt plants, concrete plants, and rock and quarry operations, must be covered by a storm water permit. So you see, our members' activities and everyday way of doing business, are affected by this permitting process.

House Bill 2802 simply amends current statute to allow the Secretary of Health and Environment to establish by rule and regulation, procedures for issuing general permits for storm water runoff. By allowing such a general permitting procedure, the KDHE will not have any loss of control, and at the same time all will benefit, including industry, and local and state governments.

General permitting is now allowed by every state that surrounds Kansas, including Missouri, Oklahoma, Colorado, Nebraska, Arkansas, Illinois and Texas, so it is not a unique process, and these states have benefitted greatly by the savings in manhours, dollars and time that would have been expended if their only authority were to issue individual permits.

If House Bill 2802 were not to pass, the cost to the KDHE, as well as contractors, and other owners such as municipalities, would be unduly harsh. KDHE has related the direct cost of issuing an individual permit versus a proposed general permit. That is direct savings to the state. We estimate conservatively that preparing an individual permit application would run between \$500 and \$1,000 a permit, so there would be a direct savings to industry and local governments as well.

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Then there is the time element of the approval process of the individual permit application, taking a minimum time of 120 days, to a maximum that has not been calculated. In the highway construction business, a contractor does not have the luxury of waiting for a permit to be approved between award of a project, and the notice to proceed. Under the Comprehensive Highway Program, projects are on a fast track. A contractor does not know he or she is the "low bidder" until the day of the letting of the project. Under the current scenario, once the low bidder is informed of his or her status, they must then submit an individual permit for approval, which takes a minimum of 120 days, as stated before. This will really tie projects by KDOT, counties and municipalities, who sometimes want a contractor to proceed on the project almost immediately if weather and other conditions permit.

Since August 1991, KDOT has applied for permits on more than 50 projects, projects that would not have been completed in the 1991 construction season. And with larger projects down the pike, you can see the magnitude of the problem individual permits will create. It is our understanding that KDOT also supports the passage of House Bill 2802, for these reasons and others of their own.

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So, Mr. Chairman, and members of the committee, our association respectfully requests that you pass out House Bill 2802 favorably. It is for the good of our industry, will produce remarkable savings in personnel and dollars to the state, and will still retain the control demanded by the U.S. EPA to control pollutants which enter water as the result of storm water runoff. This is one instance where the state and industry are hand-in-hand to ease and simplify the regulatory process for storm water. The application process and the time factor involved in a general permit makes it a less burdensome way to bring construction activities into compliance.

I have attached to my testimony a report prepared by our national office, and reviewed by U.S. EPA, which addresses 24 key questions concerning U.S. EPA's storm water permit regulations. I know you all have more than you need to read at this point in the legislative session, but a quick reading will enlighten you about this complex process.

This ends my testimony, Mr. Chairman, and I stand ready to answer any questions the committee might have regarding our industry's viewpoint on the value and importance of passage of House Bill 2802.

Attachment

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# EPA Storm Water Permits - What Every Contractor Needs to Know. . . by Brian Deery, AGC of America

**This Special Report, reviewed by EPA, Addresses 24 Key Questions Concerning EPA's Storm Water Permit Regulations.**

**Key Issue Unresolved -- Who is Responsible for Obtaining the Storm Water Permit for Construction Operations?**

**As currently proposed by EPA, the general contractor is responsible for applying for the storm water permit for construction activities. EPA has agreed to AGC's request to review this issue. Details on page 4 in question #11.**

The Environmental Protection Agency is about to embark on a new and comprehensive regulatory program to control pollutants which enter the "waters of the United States" as a result of storm water runoff. The program will be part of the National Pollutant Discharge Elimination System (NPDES) permit program which has been responsible for the construction of tens of thousands of industrial and municipal wastewater treatment facilities. Construction activities will be included under this new storm water permit program.

All of the details concerning how this new program will operate are not yet known. The program will vary from state to state and there remains a great deal of confusion in the states concerning what they are expected to do.

AGC, both at the national level and through AGC chapters, has been monitoring the development of this program for the past several years. National AGC has filed numerous sets of comments with EPA at various levels and has recently met with EPA officials to register the construction industry's

Route to:

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considerable concerns about the impact of this program.

National AGC also obtained advance copies of proposed federal regulations and was able, through the White House's Office of Management and Budget, to have EPA alter many onerous provisions before the regulations were printed in the Federal Register.

Many AGC chapters have been in contact with and provided comments to state environmental agencies or EPA regional offices regarding this program. Several AGC chapters filed for group permits to cover their members' asphalt plants, concrete plants and rock and quarry operations.

In an effort to provide AGC members with the most information available at this time, in the most understandable format, AGC has prepared the following questions and answers. AGC will continue to closely monitor these regulations and keep you informed.

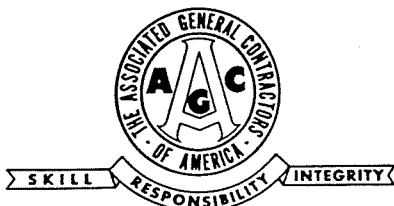
**Question #1 - What construction related activities must be covered by an NPDES storm water permit?**

Answer - Construction activities which disturb 5 acres or more of land area must be covered by a storm water permit. Construction activities disturbing less than 5 acres of land area, if they are part of a larger plan of development, must also be covered by a storm water permit. Asphalt plants, concrete plants and rock and quarry operations must be covered by a storm water permit.

**Question #2 - Are construction activities subject to the same storm water permit requirements as asphalt plants, concrete plants and rock and quarry operations?**

## - WHAT'S INSIDE -

- General Permits -- Page 2
- Notice of Intent -- Page 2
- Storm Water Pollution Prevention Plans -- Page 3
- Responsibility for Obtaining Permit -- Page 4
- Storm Water Permits at AGC's Midyear -- Page 6



7-5

Answer - No. Construction activities are subject to a different set of storm water permit requirements. For ease in understanding the different requirements for each of these activities the questions and answers will first address construction activities.

**Question #3 - When must an application for a storm water permit for construction activities be submitted?**

Answer - Currently the deadline for filing an application for a storm water permit is November 18, 1991. This means that any construction activities which are ongoing on November 18, 1991 or will start on that date must apply by November 18, 1991 for a storm water permit. Construction activities beginning after that day must apply 30 days in advance of the start of construction to be covered by a general permit or 90 days in advance of the start of construction to obtain an individual permit. EPA is considering extending this deadline to May 18, 1992 but a decision on the deadline extension has not yet been reached.

**Question #4 - What is a general permit?**

Answer - A general permit establishes general, generic requirements for sediment and erosion control, as well as storm water management. To be included under a general permit, an applicant submits a Notice Of Intent (NOI) indicating an intention to follow the requirements of the general permit. Once the NOI is submitted for a general permit, the construction activities are automatically covered and, unless contacted by EPA, work can begin after 30 days.

**Question #5 - What is an individual permit?**

Answer - An individual permit establishes site specific sediment and erosion control requirements as well as storm water management requirements. An individual permit application must be submitted ninety days in advance of the start of construction and work cannot begin until the individual permit is issued.

**Question #6 - It seems that the application process and the time factor involved in a general permit makes it a less burdensome way to bring construction activities into compliance. Can all construction activities be covered by a general permit?**

Answer - Construction activities in the following 12 states can be covered by a general permit to be established by the federal EPA: ARIZ, ALASKA, FL, ID, LA, MA, ME, NH, NM, OK, SD, TX.

Construction activities in the following 24 states be covered by a general permit to be established by the state: ALA, ARK, CA, CO, GA, IL, IN, KY, MN, MO, NE, NC, NJ, ND, OR, PA, RI, TN, UT, VA, WA, WI, WV.

Construction activities in the 14 states listed below cannot currently be covered by a general permit, although these states can seek authority to issue a general permit and several are doing so. In these states the only available option, at this time, is an individual permit: CT, DE, HI, IA, KS, MD, MI, MS, NV, NY, OH, SC, VT, WY.

**Question #7 - To whom does an applicant file a Notice Of Intent (NOI) to be covered by a general permit?**

Answer - In the 12 states that are to be covered by a federal EPA general permit, the application is filed with EPA, although EPA has not yet decided if the application should be sent to Washington, D.C. or to the appropriate regional office of EPA. In all other states permit applications will be submitted to the state.

**Question #8 - What information must be included in the NOI?**

Answer - The regulations require the permit applicant to submit a Notice Of Intent which contains the following information:

1. Name, mailing address and location of the facility for which the notification is submitted;
2. The Standard Industrial Classification (SIC) codes that best represent the principal products or activities provided by the facility (no more than four need to be identified) or description of industrial activity;
3. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;
4. The latitude and longitude of the approximate center of the facility to nearest quarter section (if the section, township and range is provided) that the facility is located in;
5. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s);
6. Existing quantitative data describing the concentration of pollutants in storm water discharges; and
7. Brief description of the project, estimated timetable for major activities, estimates of the number of acres

of site on which soil will be disturbed, and a certification that the storm water pollution prevention plan for the facility provides compliance with approved State or local sediment and erosion plans or in accordance with the requirements listed below.

**Question #9 - What is the storm water pollution prevention plan?**

Answer - This is the plan which will be implemented on the construction job site to bring the site into compliance with the general permit. Each state that will issue a general permit for construction activities will develop its own storm water pollution prevention plan requirements based on those issued by EPA for the 12 states in which EPA regulations will apply.

The Federal EPA regulations call for the storm water pollution prevention plan to include the following (Note: construction activities which disturb more than 10 acres of land area are subject to different structural practices which are detailed below):

- a. Site description. Each plan shall provide a description of the following:
  1. A description of the nature of the construction activity;
  2. Estimates of the total area of the site and the areas of the site that are expected to undergo excavation or grading;
  3. An estimate of the runoff coefficient of the site and existing data describing the soil or the quality of any discharge from the site;
  4. A site map indicating drainage patterns and approximate slopes anticipated after major grading activities, the location of major control structures identified in the plan, and surface water; and
  5. The name of the receiving water(s) and the ultimate receiving water(s).
- b. Controls. Each construction operation covered by this permit shall develop a description of controls appropriate for the facility, and implement such controls. The description of controls shall address the following minimum components:
  1. Erosion and sediment controls.
    - a. Vegetative practices. A description of vegetative practices designed to preserve existing vegetation where attainable and to revegetate open areas as soon as practicable after grading or construction. Such practices may include: temporary seeding, permanent seeding, mulching, sod stabilization,

vegetative buffer strips, and protection of trees. operator shall initiate appropriate vegetative practices on all disturbed areas within 7 calendar days of the last activity at that area.

b. Structural practices. A description of structural practices to the degree attainable to divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such practices may include straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drain, pipe slope drain, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, and temporary sediment basins.

(i) For sites with more than 10 disturbed acres at one time which are served by a common drainage location, a detention basin providing storage or equivalent controls for runoff from disturbed areas from a 10 year, 24-hour storm, shall be provided where attainable (Note: a 10 year, 24-hour storm refers to a design standard describing a storm typical to the site location). For drainage locations with more than 10 disturbed acres at one time which are served by a common drainage location where a detention basin providing storage or equivalent controls for runoff from disturbed areas from a 10



year, 24-hour storm is not attainable, silt fences, straw bale dikes, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

(ii) For drainage locations serving 10 or less acres, silt fences, straw bale dikes, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area or a detention basin providing storage for runoff from disturbed areas from a 10 year, 24-hour storm shall be provided.

2. Storm water management. A description of measures to control pollutants in storm water discharges that will occur after construction operations have been completed. Such practices may include: infiltration of runoff onsite; flow attenuation by use of open vegetated swales and natural depressions; and storm water retention and detention structures. Where such controls are needed to prevent or minimize erosion, velocity dissipation devices shall be placed at the outfall of all detention

or retention structures and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course. Justification shall be provided by the permittee for rejecting each practice based on site conditions.

3. Other controls.

a. Waste disposal. No solid waste, including building materials, shall be discharged.

b. Off-Site vehicle tracking of sediments shall be minimized.

c. The plan shall ensure and demonstrate compliance with applicable State or local waste disposal, sanitary sewer or septic system regulations.

4. Approved State or local plans. Facilities which discharge storm water associated with industrial activity from construction activities must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by State or local officials. Applicable requirements specified in sediment and erosion plans or storm water management plans approved by State or local officials are, upon submittal of an NOI, to be incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit. Operators or facilities seeking alternative permit requirements shall submit an individual permit application, along with a description of why requirements in approved State or local plans should not be applicable as a condition of an NPDES permit.

5. Maintenance. A description of procedures to maintain in good and effective operating condition vegetation, erosion and sediment control measures and other protective measures identified in the site plan. Procedures in a plan shall provide that all erosion controls on the site are inspected at least once every seven calendar days.

6. All storm water pollution prevention plans required under this permit are considered reports that shall be available to the public under section 308(b) of the Clean Water Act. The owner or operator of a facility with storm water discharges covered by this permit shall make plans available to members of the public upon request by the public (See question #11 for discussion of owner/operator). However, the permittee may claim any portion of a storm water pollution plan as confidential in accordance with 40 CFR part 2.

7. No condition of permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

*Question #10 - Does the applicant submit the storm water pollution prevention plan with the general permit application?*

Answer - No. The applicant is responsible for drafting, implementing, and retaining the plan but the plan will not be reviewed or approved. However, EPA can request to review the plan at any time.

***Question #11 - WHO IS RESPONSIBLE FOR OBTAINING THE PERMIT FOR CONSTRUCTION OPERATIONS?***

Answer - EPA's regulations call for the "operator" of the site to be responsible for applying for and implementing the requirements of the storm water permit. The regulations also indicate that in most circumstances, for construction activities, EPA views the general contractor as the "operator" and therefore the party responsible for obtaining a storm water permit.

AGC has met with EPA to discuss this issue and to explain the reasons why AGC believes the owner for whom the project is being built should obtain the permit and should include the storm water pollution prevention plan requirements in the plans and specifications. EPA has agreed to review this issue and to determine if a more acceptable application system for construction activities can be developed.

*Question #12 - Must I obtain a storm water permit for my company's headquarters office or my office yard where I may store construction materials and equipment?*

Answer - No. Only construction activities disturbing 5 acres or more of land area or which is part of a larger plan of development must be permitted. Other construction related activities such as asphalt plants, concrete plants and rock and quarry operations must also be permitted. Home office and storage yards do not need a permit.

*Question #13 - Are these other construction related activities covered by the same storm water permit application requirements discussed above for construction activities?*

Answer - No. Asphalt plants, concrete plants and rock and quarry operations are subject to much more

sent storm water permit requirements. The primary difference is that these construction related activities must have their storm water runoff sampled to determine what pollutants are contained in the runoff. The storm water pollution prevention plan developed to cover these facilities must address the pollutants identified in the sample.

**Question #14 - Can these facilities be covered by a general permit?**

Answer - Currently they cannot be covered by a general permit but may be in the future. These construction related activities must be covered by either an individual or a group permit.

**Question #15 - What is a group permit application?**

Answer - A group permit application is a way for businesses involved in the same type of industrial activities to join together to apply for permits to cover their activities. A group application allows for a percentage of the group to submit storm water samples which will be presumed to represent the pollutants contained in the runoff of all. In this way the group members can pool their resources to pay the cost of the sampling rather than have to pay individually to have their storm water sampled.

**Question #16 - How does a group apply for a group permit?**

Answer - Group applications are made in two parts. Part 1 identifies the group, describes the type of activity in which the group is engaged, and specifies the members of the group which will submit storm water runoff sample data if the group application is accepted. The sampling must be done for 10 percent of the members for groups larger than 10 and 50 percent for groups with 4 to 10 members. If the part 1 application is approved, part 2 must be submitted with the storm water runoff sampling data from the designated firms.

**Question #17 - What is the deadline for submitting a group application?**

Answer - Part 1 of the group application must be submitted by September 30, 1991, as previously reported in AGC's National Newsletter. Part 2 of the application must be submitted by May 18, 1992.

**Question #18 - To whom is a group application submitted?**

Answer - Office of Water Enforcement Permits (EN-336), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

**Question #19 - If I choose not to have these construction related activities covered under a group permit what must I do?**

Answer - You must apply for an individual permit. At some future date EPA or the states may issue general permits to cover these activities but currently they have not.

**Question #20 - What is the deadline for applying for an individual permit to cover these construction related activities?**

Answer - Currently the deadline is November 18, 1991, but EPA is considering extending this deadline to May 18, 1992.

**Question #21 - To whom should I apply for an individual permit for these construction related activities?**

Answer - You should apply to the state environmental department in the state where the activities are located, except that in the following states you must apply to the federal EPA: ARIZ, ALASKA, FL, ID, LA, MA, ME, NH, NM, OK, SD, TX.

**Question #22 - What information needs to be included in the individual permit application?**

Answer - Individual permits must include the following information:

1. a description of the configuration of the facilities;
2. a description of the facility's operations;
3. a description of the facility's materials management practices;
4. a description of the facility's existing storm water flow and control practices;
5. a topographical map indicating drainage patterns, existing outfalls, materials and equipment locations and other similar information; and
6. quantitative storm water sampling data as follows:

Samples must be collected from each outfall to be permitted. However, individual applicants that have more than one outfall may obtain approval of the permitting agency to sample only one, so long as the storm water effluent from the sampled outfall is "substantially identical" to the effluent from the unsampled outfalls.

All sampling must be performed during a "typical" storm event.

A grab sample must be taken for each monitored pollutant during the first 30 minutes of the storm.

A -weighted composite sample must also be taken for the entire discharge or for the first three hours of the discharge.

Applicants must provide quantitative data for the following pollutants:

-any pollutant limited in an effluent guideline for the applicant's subcategory;



-any pollutant listed in the facility's NPDES permit for process wastewater;

-oil and grease, total suspended solids (TSS), chemical oxygen demand (COD), ph, biological oxygen demand (BOD), total phosphorus total Kjeldahl nitrogen, nitrate plus nitrate nitrogen; and

-any other pollutant the applicant knows or has reason to know may be in the facility's storm water effluent.

Applicants for storm water discharges that are commingled with non-storm water discharges require additional information.

**Question #23 - Has EPA provided opportunities to comment on these regulations?**

**Answer - Yes. EPA is accepting comments on all aspects of the general permit requirements, including cost estimates, until October 15, 1991. AGC of America will be providing comments to EPA within the deadline. Comments should be submitted to: Kevin Weiss, Permits Division (EN-336) Environmental Protection Agency 401 M Street, S.W., Washington, D.C. 20460**

As reported in the September 2, 1991 AGC National Newsletter, EPA scheduled public hearings to discuss general permits and accept comments as follows:

1. September 10, 1991, public meeting from 1 to 4 p.m., public hearing from 7 to 10 p.m., Civic Convention Center, 9800 International Dr., Orlando, FL 32819.

2. September 12, 1991, public meeting from 1 to 4 p.m., public hearing from 7 to 10 p.m., Tallahassee Leon County Civic Center, 505 West Pensacola, Tallahassee, FL.

3. September 16, 1991, 1 to 4 p.m., Holiday Inn Convention Center, 3300 Vista Ave., Boise, ID 83700.

4. September 18, 1991, two hearings will be held at the following time 10 a.m. to Noon, 1:30 to 5 p.m., a third hearing will start at 7 p.m. and continue as necessary, Phoenix Civic Plaza, Flagstaff Room, 225 East Adams St., Phoenix, AZ 85004.

5. September 19, 1991, 1 to 4 p.m., Centennial Hall (Sheffield Ballroom #2), 101 Egan Dr., Juneau, AK 99801.

6. September 20, 1991, question and answer session from 3 to 5 p.m. and hearing from 7 to 10 p.m., Ramada Hotel, 1480 Nicholson Dr., Baton Rouge, LA.

7. September 20, 1991, question and answer session from 3 to 5 p.m. and hearing from 7 to 10 p.m., Lincoln Plaza Hotel, Gold Crown Room, 4445 N. Lincoln Blvd., Oklahoma City, OK 73105.

8. September 23, 1991, question and answer session from 3 to 5 p.m. and hearing from 7 to 10 p.m., Reunion Ballroom, Hyatt Regency Hotel, 300 Reunion Blvd., Dallas TX 75207.

9. September 24, 1991, 1 to 4 p.m., Federal Reserve Bank, Ground Floor Auditorium, 600 Atlantic Ave., Boston, MA 02106.

10. September 25, 1991, 1 to 4 p.m., University of Maine at Augusta, Jewitt Hall Auditorium, University Heights, Augusta, ME, 04330.

11. September 25, 1991, question and answer session from 3 to 5 p.m. and hearing from 7 to 10 p.m., Hyatt Regency, Grand Pavilion Ballroom, 330 Tijeras NW., Albuquerque, NM 87102.

12. September 26, 1991, 7 to 10 p.m., Holiday Inn, Ballroom Area, 700 Elm St., Manchester, NH 03101.

13. September 26, 1991, 1 to 4 p.m., Parkplace Bldg., 1200 Sixth Ave., 12A (12th Floor), Seattle, WA 98101.

14. September 30, 1991, 1 to 6 p.m., Best Western, Kings Inn, 220 South Pierre St., Pierre, SD 54501.

**Question #24 - Will there be other opportunities to hear EPA discuss storm water permit requirements?**

**ANSWER - YES. The head of EPA's Storm Water Permits Division will address AGC's 1991 Midyear meeting in St. Louis on Monday, September 30, 1991 at 1:30 p.m.**



# Kansas Aggregate Producers' Association

## STATEMENT

of

The Kansas Aggregate Producers Association

Before the

HOUSES ENERGY and NATURAL RESOURCES COMMITTEE

Topeka, Kansas  
February 19, 1992

Reference: HB 2802, concerning general permit authority

Thank you for the opportunity to provide commentary on proposed House Bill 2802; regarding general permits for stormwater and other types of sewage discharges.

My name is Edward Moses. I represent the Kansas Aggregate Producers' Association. Our Association represents over 250 aggregate, concrete, and associates active in the Kansas mining industry.

The Kansas Aggregate Producers appear before you today in support of House Bill 2802; which would grant the secretary of health and environment the authority to issue general permits to govern stormwater. Such action would considerably reduce the cost of compliance, by our producers, in their efforts to meet the new provisions of the federal Clean Water Act. General permit authority, if approved by the E P A, would reduce our costs as the process allows for the pooling of runoff data and the writing of **one** general permit. This would cost subject firms, according to our estimates, approximately \$200 - \$500 per site. If this authority is not implemented our industry will be forced to seek individual stormwater permits for each operating site. The cost of these individual permits has been estimated to be in the range of \$5,000 - \$10,000 per site, depending on test data and site location.

The only suggestion we would make to improve this legislation would be to amend section three to allow for implementation with publication in the *Kansas Register*. By advancing the implementation date Kansas could possibly have an general permit program in place before the final EPA stormwater permit deadline on October 1, 1992.

Thank you for the opportunity to appear before you this afternoon.

2/19/92  
House E+NR  
Attachment 8



**KRMCA**

Kansas Ready Mixed  
Concrete Association

Edward R. Moses  
Managing Director

**STATEMENT**

of

**The Kansas Ready Mixed Concrete Association**

**Before the**

**HOUSES ENERGY and NATURAL RESOURCES COMMITTEE**

**Topeka, Kansas  
February 19, 1992**

**Reference: HB 2802, concerning general permit authority**

Thank you for the opportunity to provide commentary on proposed House Bill 2802; regarding general permits for stormwater and other types of sewage discharges.

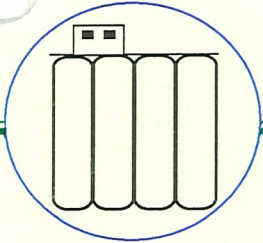
My name is Edward Moses. I represent the Kansas Ready Mixed Concrete Association. Our Association represents over 250 concrete producers and associates active in the Kansas building and construction industry.

The Kansas Ready Mixed Concrete producers appear before you today in support of House Bill 2802; which would grant the secretary of health and environment the authority to issue general permits to govern stormwater. Such action would considerably reduce the cost of compliance, by our producers, in their efforts to meet the new provisions of the federal Clean Water Act. General permit authority, if approved by the E P A, would reduce our costs as the process allows for the pooling of runoff data and the writing of **one** general permit. This would cost subject firms, according to our estimates, approximately \$200 - \$500 per site. If this authority is not implemented our industry will be forced to seek individual stormwater permits for each operating site. The cost of these individual permits has been estimated to be in the range of \$5,000 - \$10,000 per site, depending on test data and site location.

The only suggestion we would make to improve this legislation would be to amend section three to allow for implementation with publication in the *Kansas Register*. By advancing the implementation date Kansas could possibly have an general permit program in place before the final EPA stormwater permit deadline on October 1, 1992.

Thank you for the opportunity to appear before you this afternoon.

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# KANSAS GRAIN AND FEED ASSOCIATION

STATEMENT OF

KANSAS GRAIN AND FEED ASSOCIATION

TO THE HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

REP. KEN GROTEWIEL, CHAIRPERSON

REGARDING H.B. 2802

FEBRUARY 19, 1992

Mr. Chairman and Members of the Committee, I am Chris Wilson, Director of Public Affairs of Kansas Grain and Feed Association (KGFA). Our Association's approximately 1500 member firms are involved in the handling, storage and processing of grain. We appreciate the opportunity to comment today in support of H.B. 2802.

This legislation gives authority to the Kansas Department of Health and Environment to issue general permits for stormwater discharge. A majority of states have similar authority. Without the authority for the state agency to issue the permits, an affected facility has two choices, either to obtain an individual permit or to participate in a national group permit. In our industry, affected facilities are those such as feed and flour mills whose Standard Industrial Classification (SIC) code is in the 20-39 manufacturing series. When faced last year with the requirement of obtaining a stormwater runoff permit, those facilities participated in a group permit submitted to

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House E+NR*

EPA by the American Feed Industry Association. The fee for participation in the group permit is not yet known, because testing required within the group is not complete, but it is anticipated to be in the range of \$250-1000 per facility. Doing the required testing for an individual permit was estimated to be in the \$10,000 range. Any facility which did not make the cutoff date for participation in the AFIA or a similar group permit must file individually. We know of no such facility in our industry at this time.

Another type of agribusiness which must have the stormwater permit is fertilizer and pesticide manufacturing. The few facilities in Kansas of that type are generally participating in a national group permit sponsored by the Chemical Producers and Distributors Association.

We support H.B. 2802 because it would give Kansas the option of having general permits issued in the state for like types of facilities. This would be beneficial to our industry if additional SIC codes become subject to stormwater permitting requirements.

We encourage your favorable consideration of H.B. 2802.

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