

Approved: Eugene L Shore 2-4-93
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Eugene Shore at 9:03 a.m. on January 29, 1993 in Room 423-S of the Capitol.

All members were present except: Representative Flower - Excused
Representative Gatlin - Excused

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

Conferees appearing before the committee: Charles Jones, Kansas Department of Health And Environment
Karl Mueldener, Bureau of Water

Chairman Shore called the meeting to order and introduced Charles Jones, Kansas Department of Health And Environment, who gave an update on feedlot permitting.

Mr. Jones discussed the livestock waste program, attachment #1. He outlined the program objectives and stated he did not think KDHE was accomplishing those objectives. Mr. Jones explained that for the past three or four years the Livestock Waste Program has come under a great deal of criticism, particularly in regard to the timeliness of plan reviews and permit issuance. This criticism led to staffing changes and reductions, further reducing efficiency and productivity. Construction plan reviews and approval is the area of backlog that has received the most criticism and resolution of that backlog currently receives the highest priority. On the average, three to four new plans are received each week and two to three are approved each week; the backlog is increasing. Mr. Jones also outlined proposed short-term and long-term solutions. He introduced Karl Mueldener, Bureau of Water, who would assist him in answering questions from committee members.

Representative Alldritt asked how long would it take to get current. Mr. Jones stated that with no new work it would take six months.

Representative Shore asked how the current backlog compares to three years ago. Mr. Mueldener responded there is more backlog now. He estimated 80% of the 5,000 and over facilities are covered, only 10% (rough estimate) of the 1,000 and under are covered.

Regarding the 30 day publishing period, Representative Rezac asked if that couldn't be started when the permit is received or when the review is close to being completed. Mr. Mueldener responded that some time lines could be overlapped. Representative Rezac asked if there wasn't some way to determining the nature of the plans so the simple ones could get faster approval. Mr. Jones responded that the number of plan reviews are overwhelming and adequate staffing remains a problem.

Representative Neufeld stated he didn't see any reason why certified civil engineers couldn't help ease some of the backlog as long as they certified the plans were meeting state rules and regulations.

Discussion continued on inspection costs and fees collected, state vs. federal permits, shut-down requirements for inactive facilities and permit renewals.

The meeting adjourned at 10:00am. The next meeting is scheduled for February 2, 1993.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
LIVESTOCK WASTE PROGRAM

I. PROGRAM OBJECTIVES

- A. Public health and environmental protection.
- B. Atmosphere conducive for the livestock industry to both locate and remain in Kansas.
- C. Establish and maintain a stable working environment for the livestock industry.
 - 1. Well publicized environmental and public health goals/policies.
 - 2. Well publicized environmental regulatory requirements.
 - 3. Consulting and design firms/agencies understand regulatory/design requirements.
 - 4. Maintain strong environmental program addressing livestock wastes.
 - 5. Timely reviews of construction plans and permit issuance.
 - a. Timely determinations.
 - b. Potential for adverse impacts on financing arrangements.
 - c. Timely input from public to enable operator to make siting/operational decisions.
 - d. Relocate or modify facility proposal.
- D. Facility inspections and technical assistance.
- E. Promote implementation of Best Management Practices (BMPs).
- F. Handling and disposal of wastewater and manure solids cost of doing business.
- G. Wastewater and manure solids represent valuable resource.
- H. Timely permit renewals and ensure permit compliance.

II. PROGRAM BACKLOG ISSUES

- A. Criticism of program.
 - 1. Timeliness of plan reviews.
 - 2. Timeliness of permit issuance.
 - 3. KDHE enforcement (too aggressive/too lax)

HOUSE AGRICULTURE
1-29-93
ATTACHMENT #1

- B. Program Staffing
- C. Regulated inventory:
 - 1. 2,100 permits (286 federal plus 1814 state)
 - 2. 1,000 inactive facilities
 - 3. 740 certifications
- D. Primary program activities.
- E. Backlog status by activity
- F. Documented and projected growth of livestock industry.
- G. Manpower needs (for next 5 years).
- H. Immediate problems to address:
 - 1. Plan backlog.
 - 2. Permit backlog.
- I. KDHE Contract

III. PROPOSED SHORT TERM FIX

- A. Concentration on plan backlog and priorities.
- B. Address permit renewal backlog.
- C. Permit/Certify 300+ newly identified facilities.
- D. Redirect manpower/resources to address short term fix.

IV. LONG TERM FIX CONSIDERATIONS

- A. Continued growth by industry/need for additional manpower.
- B. Current staffing, program funding, fees collected.
- C. Options for consideration of long term fix:
 - 1. State General Funds
 - 2. Program fully fee supported
 - 3. Reduce program activities/services
 - 4. Combination of above and/or other