

Approved: 2-21-96  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on February 16, 1996 in Room 254-E- of the Capitol.

All members were present except:

Senator Vancrum, Excused  
Senator Phil Martin

Committee staff present: Raney Gilliland, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Ardan Ensley, Revisor of Statutes  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Karl Mueldener, Director, Bureau of Water, KDHE  
Chris Stanfield, Director, General Services, KDHE

Others attending: See attached list

**SB 604--water pollution control; relating to swine confined feeding facilities**

Discussion continued on **SB 604** raising the issue of adding more positions to facilitate inspections. Increased fees would only go into the general fund and KDHE would still have no mechanism to hire more FTEs. Mr. Mueldener stated no more positions were to be added through fiscal year 1997 due to the public impression in recent years that the department just continued to add staff.

Answering questions of members Mr. Mueldener told the committee that groundwater monitoring wells would not have changed the outcome shown in pictures in attachments presented February 15, 1996 testimony since they detect leakage. He stated he was familiar with the problem of the lagoon not holding water and KDHE will revisit the site. In explanation he said when ponds are first put into service the soil will absorb moisture until they become saturated, also natural evaporation occurs, therefore depth will not increase for a period of time but the pond should be holding water by now. The density of operations was addressed in 1994, setback issues established, buffer zones addressed. Mr. Mueldener stated they have 6 FTE's assigned to 6 district offices assigned to monitor these activities, new plans and process permits. There are numerous operations to deal with in both livestock and swine and it is difficult to keep track of them all. The small, medium size facilities are not yet in the system. When they come in to register July 1, 1996 in order to be grandfathered it will increase the burden tremendously.

KDHE presented Attachment 1 to members which contains maps locating federally permitted and state permitted cattle and swine feedlots.

In answer to continuing questions concerning manpower requirements Mr. Mueldener stated the staff overall needed to be doubled. He stated one person deals with all livestock in 17 counties. He noted Seaboard may have overdesigned their lagoons for state requirements and this oversizing could be a compounding factor in the problem. Seaboard designs are good, however many other plans do not satisfy the department.

**SB 600** would allow counties to reverse the decision to allow hog facilities and not allow any more expansion. Mr. Mueldener stated as a regulator it is much easier to monitor one large facility than numerous small ones. The opinion was expressed that counties could do a great deal in regulating density, however, counties do not have the same technical staff as KDHE, therefore depend on KDHE for technical review.

Discussion touched on requiring groundwater monitoring wells or some type of leak detection systems for new operations, difficulties encountered in the different types of soil and situations found in Kansas. Mr. Mueldener stated there are about 90 - 115 facilities out of 2,000 in state involved and it would only be for new facilities or

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ROOM 254-E-Statehouse, at 8:00 a.m. on February 16, 1996.

those that expand. The need would possibly be for 3 wells at a cost of \$10,000 but it is best to look at each situation independently.

A member commented that the articles being written are not entirely objective and expressed concern about them raising a red flag against the industry.

The chairperson stated Seaboard has indicated a desire to speak to the committee, therefore hearings would not be closed until the committee hears from them.

**SB 485--amending the Kansas storage tank act; concerning reports of receipts and disbursements from certain funds**

Chris Stanfield, Director General Services, KDHE, stated the bill is a simple, technical revision to the submission of the annual report to the legislature, regarding the receipts and disbursements of the underground and aboveground storage tank funds (Attachment 2). Changes include Line 15, changing to the first day of the legislative session. The second change is on line 19 and would change the calendar year to the fiscal year.

Senator Emert moved to report SB 485 favorable for passage and that the bill be placed on the consent calendar. Senator Morris seconded the motion and the motion carried.

**HB 2403--concerning water supply and distribution districts; relating to powers**

Discussion on **HB 2403** expressed concern about setting a precedent of allowing out-of-state members to vote on water rates. Staff noted there has been an interlocal cooperating act which has been on the books since 1957 in which local units can cooperate with like units with the same type of powers across the state line. Staff stated they did not know how much it has been utilized. Staff noted this bill was re-referred to Senate Energy and Natural Resources Committee for this very reason.

Senator Wisdom made a motion to report HB 2403 adversely. Senator Tillotson seconded the motion.

Senator Walker made a substitute motion to report HB 2403 favorable for passage. Senator Lee seconded the motion and the motion carried.

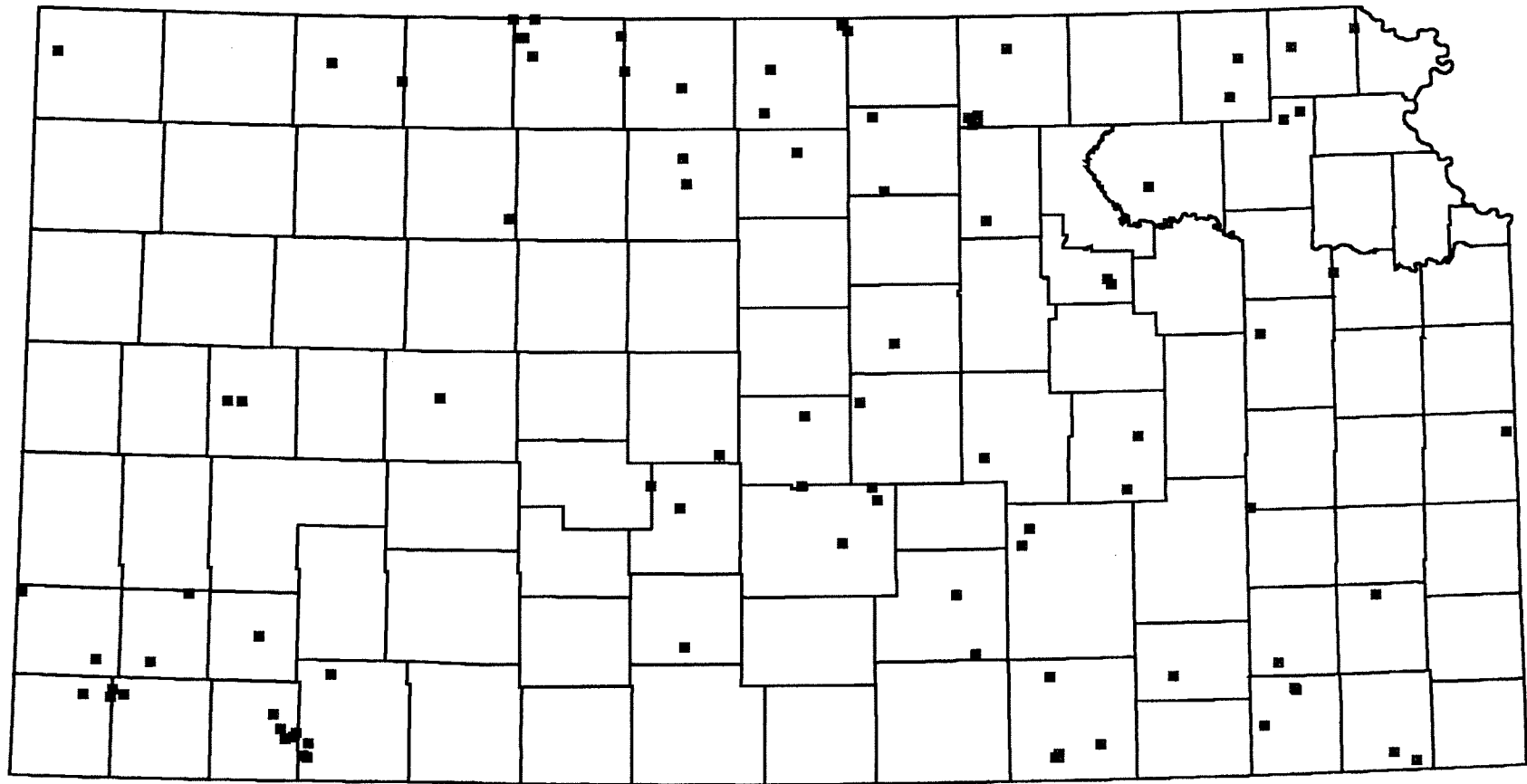
Staff questioned KDHE about the definition of an animal unit - is it the practice of these people to take a pig and raise it to 55 pound level and the animal definition doesn't apply until it reaches 55 pounds, would that exempt that facility from the kind of requirements as proposed under the bill. Mr. Mueldener stated that it would, there is a loophole, if they are not 55 pounds they are not an animal unit. However, Seaboard applied all restrictions to their development.

The meeting adjourned at 8:50 a.m.

The next meeting is scheduled for February 20, 1996.



# SWINE FEEDLOTS FEDERALLY PERMITTED



**DATA SOURCES:**

Feedlots: KDHE

Political Boundaries: KGSK/KCDB

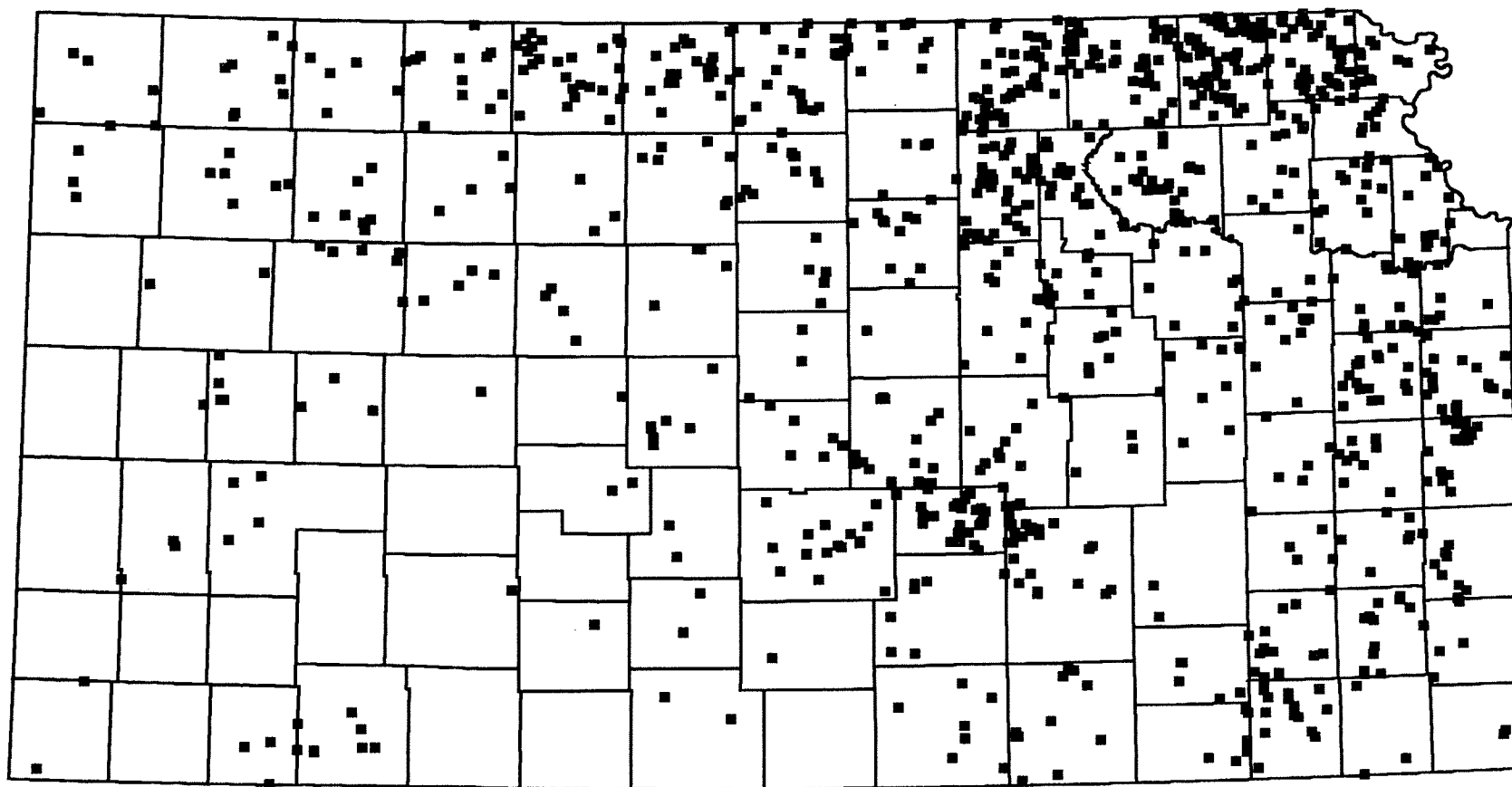
KDHE OIS/OSS, February 1996 DRAFT



10 0 10 20 30 40 50 Miles

*Senate Energy + Natural Res.  
February 16, 1996  
Attachment 1*

# SWINE FEEDLOTS STATE PERMITTED



**DATA SOURCES:**

Feedlots: KDHE

Political Boundaries: KGSK/KCDB

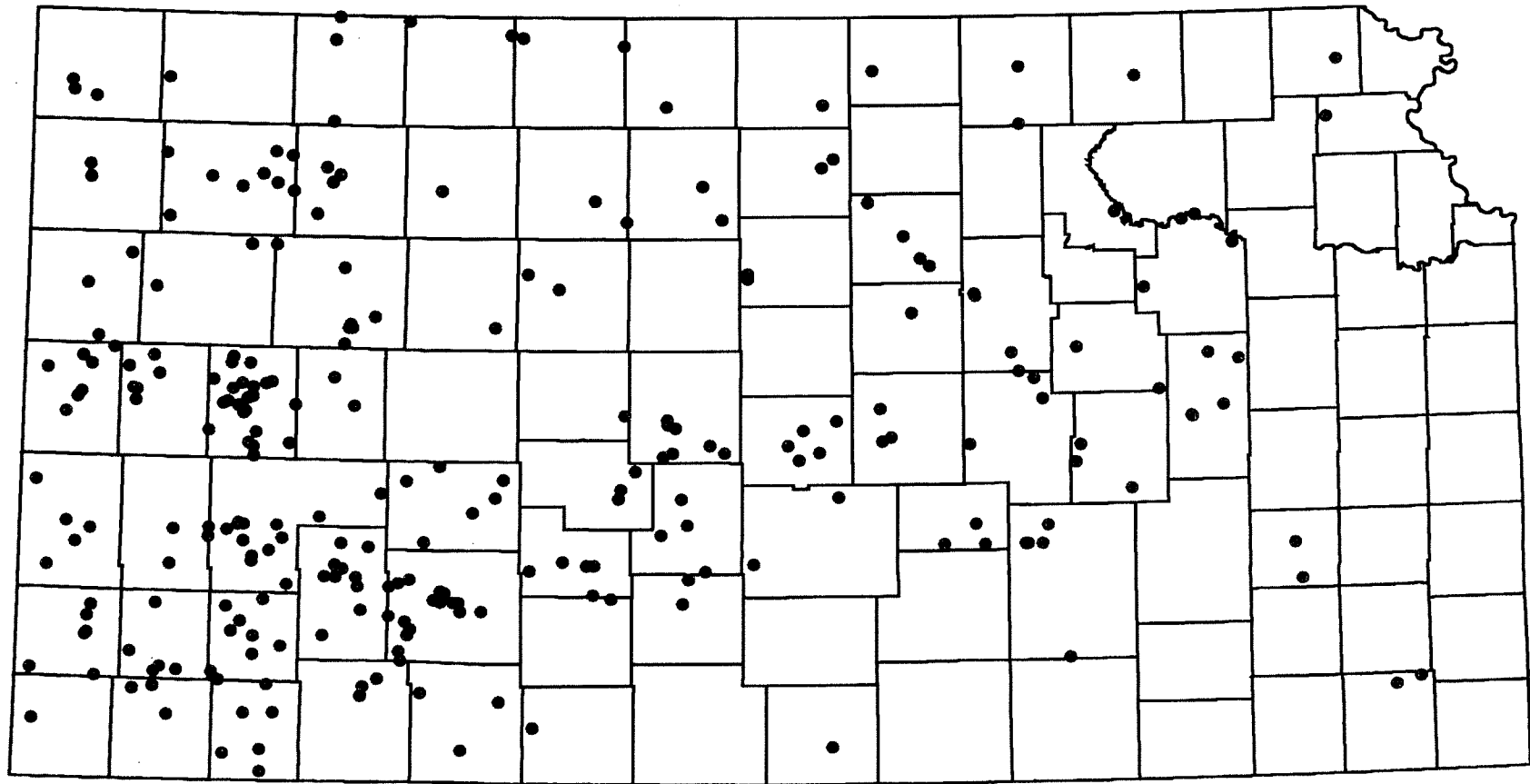
KDHE OIS/OSS, February 1996 DRAFT



10 0 10 20 30 40 50 Miles

A horizontal scale bar with alternating black and white segments, marked with the numbers 10, 0, 10, 20, 30, 40, and 50, representing miles.

# BEEF FEEDLOTS FEDERALLY PERMITTED



**DATA SOURCES:**

Feedlots: KDHE

Political Boundaries: KGSK/KCDB

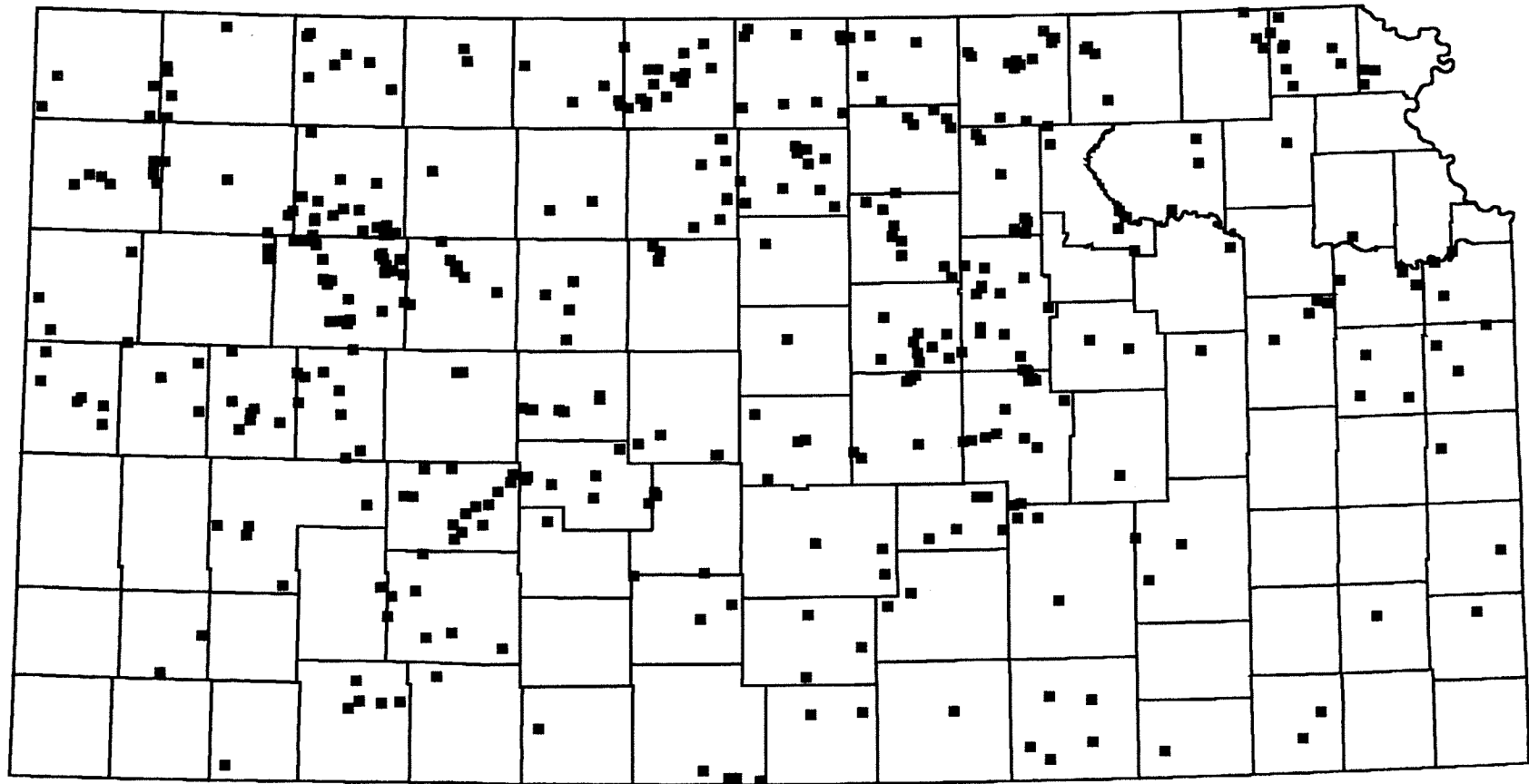
KDHE OIS/OSS, February 1996 DRAFT



10 0 10 20 30 40 50 Miles

A horizontal scale bar with alternating black and white segments, used to measure distances in miles. The markings are at 10, 0, 10, 20, 30, 40, and 50 miles.

# BEEF FEEDLOTS STATE PERMITTED

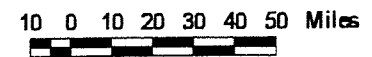


**DATA SOURCES:**

Feedlots: KDHE

Political Boundaries: KGSK/KCDB

KDHE OIS/OSS, February 1996 DRAFT



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State of Kansas

Bill Graves



Governor

Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

Senate Committee on Energy and Natural Resources

by

The Kansas Department of Health and Environment

Senate Bill 485

Mr Chairman, Members of the Committee:

This bill is a simple, technical revision to the submission of the annual report to the Legislature, regarding the receipts and disbursements of the underground and aboveground storage tank funds. Current law (KSA 65-34,121) calls for the report to be delivered to the Legislature "on or before March 1st of each year"; and the prepared report is to cover the time period of "the preceding calendar year" (Jan 1 to Dec 31). SB 485 changes both of those requirements as follows: the report will now be delivered on or before the first day of each regular session of the Legislature and will cover the time period of the preceding fiscal year (July 1 to Jun 30).

The change to the reporting period will make this annual report coincide with the department's annual budget document, which details the expenditures of the prior fiscal year. This will allow the agency to use already prepared data rather than creating new data based on one half of the total expenditures of the prior fiscal year (Jan 1 to Jun 30) and then adding the remaining half with the first six months of current fiscal year expenditures (July 1 to Dec 31). Further, the change in delivery date from March 1 to the first day of the Legislative Session is in keeping with other annual reports prepared by the agency concerning Solid Waste Fee Fund, Waste Tire Fee Fund and the Air Quality Fee Fund.

Testimony presented by:

Chris Stanfield  
Director General Services  
Office of General Services  
February 16, 1996

*Senate Energy & Natural Res.  
February 16, 1996  
Attachment 2*