

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on January 30, 1997, in Room 423-S of the Capitol.

All members were present except: Representative Freeborn - excused
Representative Lloyd - excused

Committee staff present: Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:
Ellyn Sipp, Legislative Division of Post Audit
James J. O'Connell, Secretary, Department of Health and Environment

Others attending: See attached list

Ellyn Sipp, Legislative Division of Post Audit, reported that the performance audit, "Reviewing the Department of Health and Environment's Efforts to Protect Water from Pollution Caused by Confined Livestock Feeding Operations," January 1997, addresses two questions:

1. Have the Department of Health and Environment's actions to permit, monitor, and regulate confined livestock feeding operations been sufficient to protect Kansas water from pollution?
2. Does the Department have sufficient staff and regulatory authority to protect the State and its citizens from pollution and nuisances caused by confined feeding operations?

Ms. Sipp said the audit found that the Department's regulatory process for protecting the State's water resources from pollution caused by confined-feeding facilities has serious weaknesses that need immediate attention. It was found that the Department's design and location standards of sewage lagoons are less stringent than comparison states. She said that although the Department has adopted many good regulatory practices, its staff didn't follow all those practices or other Department requirements in 93 percent of the 41 cases they reviewed.

She said the Department appears to need additional staff resources to carry out all the activities it should be doing to adequately protect the State's water. She said some tasks aren't being done, and other tasks aren't being done as thoroughly as they should be. It was found that the Department's regulatory authority regarding pollution and nuisances generally is adequate. However, its authority to regulate dust and odor problems is difficult to implement without some objective way to measure odors or to isolate the amount of dust caused by a certain source.

Ms. Sipp said the audit report includes a number of recommendations for improving the Agricultural-Waste Regulatory Program. It is recommended the Department identify all facilities needing a permit, and incorporate its design standards into Kansas Administrative Regulations. It is also recommended that the Department take a number of steps to ensure that confined-feeding operations operate according to laws and regulations. Finally, it is recommended that the Legislature consider the Department's request for additional staff, and that the Department seek legislative support for adjusting registration and permit fees to help defray the costs of those staff. A copy of the Performance Audit Report can be obtained from the Legislative Division of Post Audit.

James J. O'Connell, Secretary, Kansas Department of Health and Environment, responded to the Performance Audit Report. He said that historically the intent of the confined animal feeding facility program was the prevention of pollution of surface water. He felt that the widespread controls that have been put in place, and the corresponding success of these controls in reducing pollution, deserve recognition. He indicated the

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Kansas livestock waste control program was established in the late 1960's, well ahead of programs in other states. He noted the animal feeding industry has significantly expanded from about 7 million head in 1967 to over 20 million today without negative impact on the environment. He said that today's heightened environmental awareness and expectations, combined with this growth, make it prudent policy to review both the program's successes and needs for improvement. The Department views this audit as one component of that effort.

He said the Department has already undertaken a detailed review of the audit report and have begun to research their files in preparation for prompt follow up on those deficiencies cited in the report regarding administrative procedures and individual facilities. The Department's comments in response to each of the audit report's recommendations is included in a letter attached to the Performance Audit Report.

The meeting adjourned at 10:02 a.m. The next meeting is scheduled for February 4, 1997.

