

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 6, 1997, in Room 313-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Karl Mueldener, Director, Bureau of Water, Department of Health and Environment
Ron Hammerschmidt, Director, Division of Environment, Department of Health and Environment

Others attending: See attached list

Chairperson Flower welcomed members of the Kansas Livestock Association Young Stockmen's Leadership Conference that were in attendance.

Chairperson Flower asked committee members to review the minutes of January 30 and February 4. If there are corrections or additions, members are requested to contact the committee secretary by 5:00 p.m. today, otherwise the minutes will stand approved as presented.

The Chair introduced Karl Mueldener and Ron Hammerschmidt with the Department of Health and Environment who reviewed issues relating to the Department's efforts to protect water from pollution caused by confined livestock feeding operations. They distributed copies of a brochure prepared two years ago by the Department with the cooperation of various livestock associations and councils that summarizes the key areas addressed by Senate Bill 800 that took effect July 1, 1994, and how they impact livestock operations in Kansas. (Attachment 1)

Karl Mueldener, Director, Bureau of Water, Department of Health and Environment, gave a brief history and overview of KDHE's Livestock Waste Management Program. He said that program modifications resulting from SB 800 centered around registration and permitting size criteria (animal units), separation distance requirements, and changes in the permitting fee structure. He reported that there are about 4,000 facilities in Kansas in some form of active permitting status. He discussed various issues concerning confined livestock feeding operations and the permitting and regulation process, including: site location, odors and dust, ground water protection, irrigation or manure spreading, technical assistance vs. penalties, cost share, and paper work required of the agency and the producer.

Ron Hammerschmidt, Director, Division of Environment, Department of Health and Environment, discussed penalties and the appeal process for noncompliance. Mr. Hammerschmidt and Mr. Mueldener answered committee questions on various issues concerning water pollution and confined livestock feeding operations.

The meeting adjourned at 10:00 a.m. The next meeting is scheduled for February 11, 1997.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-6-97

NAME	REPRESENTING
Jeff Schmalzried	VLA
Todd Siek	KLA
Benny Bontz	"
BRYAN BURNETT	KLA
Carl Knauthberg	KLA
Todd Johnson	KLA
Jerry Behm	KLA
Brad Beckinger	KLA
Ducky Sandoz	KLA
Jeff Schwofeger	KLA
Eric Beesling	KLA
Jane Burgmann	KLA
Tony Baird	KLA
Dan Carlson	KDHE
Ron Hammerschmidt	KDHE
Ellynn Sipp	Legislative Post Audit
Ron Green	Governor's Office
Mike Beam	KL/STK Assn,
Marty Vanier	KS Ag Alliance

Kansas Livestock Association
6031 SW 37th Street
Topeka, KS 66614-5129
(913) 273-5115

Kansas Pork Producers Council
2601 Farm Bureau Rd.
Manhattan, KS 66502
(913) 776-0442

Kansas Farm Bureau
2627 Kansas Farm Bureau
Plaza
Manhattan, KS 66502
(913) 587-6000

Mid-America Dairymen, Inc.
8600 NW 107th Terrace
Kansas City, MO 64153
(816) 891-7424

Associated Milk Producers, Inc.
1601 S. Sheridan
Wichita, KS 67213
(316) 942-2251

*Kansas Agriculture Committee
Meeting &
Attachment 1*

Kansas Poultry Association
Kansas State University
Manhattan, KS 66502
(913) 539-5441

**Southeast Kansas Poultry
Association**
Route 5, Box 394
Pittsburg, KS 66762
(316) 643-5479

**Kansas Department of Health
and Environment**
Bureau of Water-Industrial
Programs
Forbes Field - Bldg. 283
Topeka, KS 66620-0001
(913) 296-5570

Kansas Sheep Association
c/o Alvena Hoy, Executive
Director
Route 4, Box 61
Emporia, KS 66801
(316) 342-7960

**Kansas Swine Growers
Association**
c/o Vaughn Woolf
Route 1, Box 45
Milton, KS 67106
(316) 542-3747

NEW LEGISLATION IMPACTS KANSAS LIVESTOCK OPERATIONS

- Registration & Permitting
- Separation Distances
- Fees



This document summarizes the key areas addressed by Senate Bill 800 (SB 800) and how they may impact livestock operations in Kansas. SB 800 takes effect July 1, 1994 and modifies K.S.A. 65-166a, K.S.A. 65-171d, K.A.R. 28-18-1, K.A.R. 28-18-2, and K.A.R. 28-16-56 a and b. This document has been developed by:

**Kansas Livestock Association
Kansas Farm Bureau
Kansas Pork Producers Council
Kansas Swine Growers Association
Mid-American Dairymen, Inc.
Associated Milk Producers, Inc.
Kansas Poultry Association
Southeast Kansas Poultry Association
Kansas Sheep Association
Kansas Department of Health and Environment**

This document is a general review and is not intended to serve either as a comprehensive summary of SB 800 provisions or regulatory requirements which pertain to livestock management practices in Kansas.

The purpose of this document is to advise the public and livestock industry of changes in KDHE's Livestock Waste Management Program requirements resulting from the passage of SB 800 which takes effect July 1, 1994. The provisions of SB 800 modifies Kansas water pollution control statutes and regulations involving water pollution control and livestock waste management practices. SB 800 makes no changes to the Federal (EPA) water pollution control requirements administered by KDHE. More detailed information regarding registration, permitting, program, statutory, and regulatory requirements may be obtained by contacting the KDHE.

The program modifications resulting from SB 800 center around registration/permitting size criteria, establishes separation distance criteria with waiver and exemption provisions, and changes the permit fee structure.

Registration Changes

SB 800 changed the size threshold of facilities required to register. The 300 head criteria is now 300 animal units.

How Is An Animal Unit Calculated?

The total number of animal units is calculated by multiplying the number of confined head/birds by the following factors and adding the result for each livestock category:

<u>Livestock Category</u>	<u>Factor</u>
Beef Cattle > 700 lbs.	1.0
Beef Cattle < 700 lbs.	0.5*
Mature Dairy Cattle	1.4
Swine > 55 lbs.	0.4
Sheep or Lambs	0.1
Horses	2.0
Turkeys	0.018
Laying hens/broilers (facility with continuous overflow watering; nipple/cup watering)	0.01
Laying hens/broilers (facility with liquid manure system)	0.033
Ducks	0.2

*Note: When determining registration/permitting requirements in regard to Federal (NPDES) permits, only the 1.0 factor should be used when calculating facility capacity for beef cattle.

Permitting Changes

SB 800 changed the size threshold and requires there be a pollution potential b. certain facilities are required to be permitted. The previous 300 head criteria is now 300-999 animal units and a significant water pollution potential are needed before a permit is required.

Separation Distance Requirements

SB 800 places into law separation distance criteria which provides a buffer between livestock facilities and dwellings, public buildings, and certain types of commercial establishments. These separation distances apply to any new construction or expansion of an existing facility. A separation distance is measured as the shortest distance between a habitable structure and any confined building, pens, manure storage or compost area, or pollution controls utilized at the confined feeding facility. Separation distance criteria does not apply to property boundaries or land applicati sites used for waste disposal.

The new separation distances are:

Facilities with a maximum design capacity of 300-999 animal units - 1,320 feet.

Facilities with a maximum design capacity of 1,000 animal units or more - 4,000 feet.

Separation Distance Reduction Waivers

SB 800 allows KDHE to reduce the above separation distances if:

1. A written agreement (waiver) is obtained from the owners of all habitable structures located within the separation distance and are filed with the Register of Deeds Office in the county where the habitable structure is located, or
2. No objection is received from an owner of a habitable structure in the separation distance as a result of a public notice of the proposed permit, or
3. The board of county commissioners requests the separation distance be reduced.

Separation Distance Exemptions

SB 800 allows existing facilities to be exempted from the above separation distance requirements for:

1. Facilities permitted or certified by KDHE prior to July 1, 1994.

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2. Facilities in existence prior to July 1, 1994 and registered with KDHE prior to July 1, 1996.
3. Facilities with 1,000 animal unit capacities or more and in existence prior to July 1, 1994 may expand, regardless of the separation distance criteria, as long as the expansion does not encroach closer to any habitable structure located within the separation distance.
4. Facilities with less than 1,000 animal unit capacities and in existence prior to July 1, 1994 may expand, regardless of the separation distance criteria, as long as the expansion does not encroach closer to any habitable structure located within the separation distance and the expansion does not exceed 2,000 animal units.
5. The waiver provisions, addressed above, are met.

Note: Facilities which fail to register prior to July 1, 1996, will be considered new facilities in regard to the separation distance requirements of SB 800.

Fee Structure

SB 800 establishes the following fees:

Submission of a registration - \$25.00

Annual Permit Fees

Less than 300 animal unit capacity - \$25.00
 300 - 999 animal unit capacity - \$25.00
 1,000-4,999 animal unit capacity - \$100.00
 5,000-9,999 animal unit capacity - \$200.00
 Over 10,000 animal unit capacity - \$400.00

Who Needs a Water Pollution Control Permit?

- Any facility, regardless of size, determined by KDHE to present a significant water pollution potential including but not limited to the following:
 1. All livestock operations that utilize wastewater control facilities i.e., manure pits, ponds, lagoons, or other devices.
 2. Open lots located across or adjacent to creeks, streams, intermittent waterways, or other conveying channel or device.

3. Any operation which cannot retain or control wastewater or waste solids upon the operators property.
4. Any operation observed to practice improper disposal of liv wastes (liquid and solids) which has the potential to degrade or impair the quality of any waters of the State (surface and groundwater).
5. Any facility that generates wastewater and releases it on a daily or more frequent basis. (Dairy parlors, uncontrolled releases from watering systems, etc.)

- Any confined animal feeding facility with a designed animal unit capacity of 300 or more and a significant water pollution potential.
- All facilities with design animal unit capacities of 1,000 or more, regard of pollution potential.
- Sale barns and collection centers with an average capacity greater than 300 animal units or utilized more than once a week.
- All livestock truck wash facilities.
- Any other animal feeding operation whose operator elects to come under these statutes and regulations.

Steps required to Obtain a Permit or Modify a Facility

1. Contact KDHE for information (see telephone numbers on following pages)
2. Request a site appraisal from KDHE.
3. Submit a registration application along with \$25.00 to KDHE.
4. Obtain releases from adjacent residents, if required, or address separation distance requirements and submit information to KDHE.
5. Submit a general information and operational plan to KDHE.
6. Submit permit application, fees (if applicable), construction plans and waste management plan to KDHE for review and approval.
7. KDHE places draft permit on 30 day public notice (if applicable).

8. KDHE issues permit and approval to start construction.
9. Notify KDHE at start of construction.
10. Notify KDHE at the completion of construction for post construction inspection.
11. The facility is placed into service.
12. An annual permit fee will be billed to the operator.
13. The permit is renewed every five years.

Who to Contact?

For more information, please contact an agricultural environmental technician or the district engineer in one of our district offices:

1. Northwest District Office - Hays (913/625-5664)

Barton	Ness	Russell
Cheyenne	Norton	Sheridan
Decatur	Osborne	Sherman
Ellis	Phillips	Smith
Gove	Rawlins	Thomas
Graham	Rooks	Trego
Logan	Rush	Wallace

2. North Central District Office - Salina (913/827-9639)

Clay	Lincoln	Republic
Cloud	Marion	Rice
Dickinson	McPherson	Riley
Ellsworth	Mitchell	Saline
Geary	Morris	Washington
Jewell	Ottawa	

3. Northeast District Office - Lawrence (913/842-4600)

Atchison	Jefferson	Osage
Brown	Johnson	Pottawatomie
Doniphan	Leavenworth	Shawnee
Douglas	Marshall	Wabaunsee
Franklin	Miami	Wyandotte
Jackson	Nemaha	

4. Southwest District Office - Dodge City (316/225-0596)

Barber	Hamilton	Pawnee
Clark	Haskell	Pratt
Comanche	Hodgeman	Scott
Edwards	Kearny	Seward
Finney	Kiowa	Stafford
Ford	Lane	Stanton
Grant	Meade	Stevens
Gray	Morton	Wichita
Greeley		

5. South Central District Office - Wichita (316/337-6020)

Butler	Harper	Reno
Chase	Harvey	Sedgwick
Cowley	Kingman	Sumner

6. Southeast District Office - Chanute (316/431-2390)

Allen	Crawford	Lyon
Anderson	Elk	Montgomery
Bourbon	Greenwood	Neosho
Chautauqua	Labette	Wilson
Coffey	Linn	Woodson

or the agricultural environmental engineers or technician at the KDHE central office in Topeka:

Bureau of Water - Topeka
(913/296-5570, 296-5550 or 296-5532)

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