

Approved: 4-9-97
Date

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Steve Lloyd at 3:30 p.m. on March 6, 1997 in Room 526-S of the Capitol.

All members were present except: Rep. Joann Freeborn - excused
Rep. Sharon Schwartz - excused

Committee staff present: Raney Gilliland, Legislative Research Department
Hank Avila, Legislative Research Department
Mary Torrence, Revisor of Statutes
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairman Steve Lloyd opened the meeting at 3:30 p.m. He opened **HB 2368** for discussion and possible final action:

HB 2368: **An act providing for the temporary suspension of certain surface water quality standards; creating the special commission on water quality standards and specifying the membership and functions thereof.**

Copies of substitute bill **HB 2368** were distributed to committee members.

The Chairman recognized Rep. Kent Glasscock, chairman of the subcommittee on **HB 2368**. He gave the committee a report on the subcommittee's action. Other members of the subcommittee were, Rep. Tom Sloan, Rep. Steve Lloyd, Rep. Laura McClure and Rep. Douglas Johnston.

The Chairman recognized Rep. Tom Sloan for comments concerning the substitute bill. Rep. Sloan stated that the subcommittee proposed a substitute bill for the full committee's consideration. The original bill raised appropriate questions regarding EPA and KDHE policies, but did not address those concerns in a manner which generated widespread support. The subcommittee heard concerns from all interested parties and tried to incorporate those concerns into this substitute bill. Attention was given to the possibility of lawsuits, or other actions by EPA, Missouri, Oklahoma and Nebraska. It was clear that all parties involved would maintain their commitment to clean water. The seven scientists/experts will examine the scientific data used by the EPA and KDHE, guide the Legislature and public on where science is going on water standards, and examine impacts of the standards on water for our future generations. The substitute bill provides many opportunities for the public to have input throughout the rules and regulation process. Legitimate questions have been asked concerning the ammonia, chloride and atrazine standards. This is the subcommittee's good faith effort to allow all parties to be heard, appropriate decision-making criteria to be established, and public health to be protected.

The Chairman recognized Rep. Laura McClure for comments concerning the substitute bill. Rep. McClure commented that finding a balance between competing interests can be very difficult but it can be done, as demonstrated by the Threatened and Endangered Species Task Force this summer. She hopes this bill, by establishing the seven member panel review, will bring resolution to this situation and that it is time to put these questions to rest. This bill could have some far reaching impacts. The EPA could come in and take over the permitting process. Changing the atrazine level could present problems between Kansas and Nebraska concerning the Big Blue and Little Blue Rivers, and the TMDL lawsuit. There could also be a problem in Missouri due to the discharge from the Fort Scott waste water treatment plant. She believes Kansas is and should be pro-active when it comes to water standards but must set goals and standards that are reasonable and attainable. She believes that most of the data used by KDHE will be affirmed by the commission, but by

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 526-S Statehouse, at 3:30 p.m. on March 6, 1997.

sitting down at the same table there will be understanding and agreement by the groups involved.

Rep. Kent Glasscock made a motion to adopt the substitute **HB 2368**, Rep. Tom Sloan seconded. Motion passed.

Mary Torrence, Revisor of Statutes, explained the substitute bill. Discussion and questions followed.

Rep. Kent Glasscock made a motion on page 2, section 2, line 1, strike "(a)"; on page 2, section 2, subsection (a), line 1, change "natural" to "national"; on page 2, section 2, subsection (b), line 3, change "application" to "applicant"; page 2, section 1, subsection (b) and (d) add, "as in effect August 29, 1994"; page 1, 6th line from bottom of page, strike "1996", add "special" after triazine, Rep. Dennis McKinney seconded. Motion passed.

Rep. Kent Glasscock made a motion page 6, section 3, subsection (g), line 7, after "develop" add "and publish", Rep. Tom Sloan seconded. Motion passed.

Rep. Laura McClure made a motion, page 2, section 2, subsection (a), line 2, delete everything after "shall" and add "use the expected aquatic life use mixing zone and low flow provisions of the surface water quality standards in determining NPDES permit limits for permits issued between the effective date of this act and July 1, 1999 by the department"; strike section 1 (b); make conforming changes in section 3 (b) (1) and (g). Rep. Kent Glasscock seconded. Motion passed.

Rep. Laura McClure made a motion page 2, section 2, subsection (b), line 5, after and "shall instead require an applicant holding an existing permit to comply with the applicants existing permit requirements for total ammonia and chlorides and an applicant for a new permit to comply with the standards for total ammonia and chlorides that took effect May 1, 1987", Rep. Tom Sloan seconded.

Rep. Kent Glasscock made a motion to pass the bill as amended, Rep. Tom Sloan seconded. Motion passed.

Chairman Lloyd thanked the committee members and subcommittee members for all their work and effort. He thanked everyone attending the meeting for their attention and participation in this issue.

The meeting adjourned at 4:30 p.m.

The next meeting is scheduled for March 10, 1997.

HOUSE ENVIRONMENT COMMITTEE COMMITTEE GUEST LIST

DATE: 3-6-97

NAME	REPRESENTING
BRAD MEARS	CITY OF HOUSTON
Ira Meyer	KS Gov. Consulting
Chris McKenzie	League of Ks. Municipalities
John Metzler	Johnson County
Jorie Stramberg	Johnson County
STEVE WILLIAMS	KDWP
Clint Riley	KDWP
Jamie Clover Adams	Governor's Office
Stelen Durand	Women Involved in Farm Economics
Melissa Anderson	Women Involved in Farm Economics
Amy Spiegel	KS Women Involved in Farm Economics
Colleen Mangin	KS Women Involved in Farm Economics
Marjo Scott	KS Women Involved in Farm Econ.
Shirley Rae	KS Women Involved in Farm Economics
Marty Vanier	KS Ag Alliance
LouJene Schneider	KS Livestock Assoc.
Leslie Kaufman	KS Farm Bureau
Dale Hambley	KS Dept of Agric.
Karl Muedener	

Bob Totten
Bill Anderson

KS Contractors association
Water Dist No. 1 of Jo. Co.

HOUSE ENVIRONMENT COMMITTEE COMMITTEE GUEST LIST

DATE: 3-6-97

NAME	REPRESENTING
Jim Karp	City of Topeka
Paul Garvin	KDHE
Scott Alisoglu	Div of Budget
Cynthia Abbott	Kansas Audubon Council
Terry Shistar	Ks. Sierra Club
Charles Benjamin	KS Sierra Club / KNRC
JANET STUBBS	Ks. BIA
Carol Spinnell	KDHE
Ron Hummerbush	KDHE
Doug Wareham	Ks. Grain & Feed Assn. Ks Fertilizer & Chemical Assn.
Jere White	KS Coop Growers / KS Grain Sorghum
George Barber	KCE
Yu Z. Manu	THE KE STAR
Dorinda Mitchell	Kansas Dept. of Agriculture
Eric Snelton	City of Topeka