

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 20, 1997 in Room 526-S of the Capitol.

All members were present except: Rep. Kent Glasscock - 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 called the meeting to order at 3:30 p.m. He announced that the committee will continue discussion of **SB 276** from yesterday and also will be discussing and taking possible final action on **SCR 1608** and **SCR 1609**.

The Chairman opened **SB 276** for discussion and possible final action:

**SB 276:** An act enacting the voluntary cleanup and property redevelopment act; concerning remediation of contaminated property.

The subcommittee report was adopted in the previous meeting, March 19, 1997.

Rep. Don Myers made a motion to pass the bill, Rep. Dan Johnson seconded. Motion passed.

The Chairman opened **SCR 1608** for discussion and a balloon was distributed. (See Attachment 1)

**SCR 1608:** A concurrent resolution urging the United States Environmental Protection Agency to maintain current air quality standards unless benefit and economic impact demonstrated.

Rep. Tom Sloan made a motion to adopt the balloon, Rep. Dennis McKinney seconded. Motion passed.

Rep. Tom Sloan made a motion to pass **SCR 1608** as amended, Rep. Sharon Schwartz seconded. Motion passed.

The Chairman opened **SCR 1609** for discussion and a balloon was distributed. (See Attachment 2)

**SCR 1609:** A concurrent resolution concerning the Ozone Transport Assessment Group (OTAG).

Rep. Tom Sloan made a motion to adopt the balloon, Rep. Becky Hutchins seconded. Motion withdrawn. Discussion followed.

Rep. Tom Sloan made a motion to adopt the balloon, Rep. Joann Freeborn seconded. Motion withdrawn.

Rep. Tom Sloan made a motion to adopt the balloon and change the balloon at page 1 line 42, strike "positively" and add after will "have little if any effect", Rep. Joann Freeborn seconded. Motion passed.

Rep. Dan Johnson made a motion to pass **SCR 1609** as amended, Rep. Becky Hutchins seconded. Motion passed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 526-S Statehouse, at 3:30 p.m. on March 20, 1997.

The Chairman opened **SB 278** and **SB 293** for discussion:

- SB278:**            **An act designating Prairie Spirit Rail Trail as part of state park system; amending K.S.A. 32-837 and repealing the existing section.**
- SB 293:**            **An act concerning Prairie Spirit Rail Trail; providing for a moratorium on further development of phase III until funding for construction is available; establishing a Prairie Spirit Rail Trail task force.**

Ed Alvis, Department of Wildlife and Parks and staff members were in attendance to answer committee questions concerning funding and maintenance of the trail.

Discussion and debate followed as to the options and course of action possible for the committee to take concerning the two resolutions.

Minutes of meetings March 6, 13, 17, 18, 19, and 20 will be distributed to committee members and will stand approved unless the secretary is notified of corrections after three days from time of distribution.

The meeting adjourned at 5:00 p.m.

The next meeting is on call of the chair.

HOUSE ENVIRONMENT COMMITTEE COMMITTEE  
GUEST LIST

DATE: 3-20-97

| NAME         | REPRESENTING |
|--------------|--------------|
| Larry Knoche | KDHE         |
| Pat Casey    | "            |
| Rick Bell    | "            |
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Senate Concurrent Resolution No. 1608

By Committee on Energy and Natural Resources

2-4

10 A CONCURRENT RESOLUTION urging the United States Environ-
11 mental Protection Agency to maintain current air quality standards
12 unless benefit and economic impact demonstrated.

13
14 WHEREAS, The United States Environmental Protection Agency
15 (EPA) has a responsibility to review periodically National Ambient Air
16 Quality Standards (NAAQS) and EPA has proposed a more stringent
17 standard for ground level ozone and added a separate standard for par-
18 ticulate matter (PM2.5) to the existing ground PM10 standard; and

19 WHEREAS, The State of Kansas and Kansas businesses and citizens
20 have worked hard to maintain and improve air quality, with the knowledge
21 that clean air is good for the environment, the economy and people's
22 health and quality of life; and

23 WHEREAS, Kansas is very proud of its continually improving air qual-
24 ity, with the entire state in attainment for all air quality standards and the
25 Kansas City metropolitan area among the largest cities in the United
26 States in attainment for these standards; and

27 WHEREAS, There is very little existing PM2.5 monitoring data, and
28 there is considerable uncertainty about the scientific validity of the theo-
29 ries, data and conclusions upon which the proposed NAAQS are based
30 and the cost and feasibility of compliance; and

31 WHEREAS, The additional PM2.5 standard being considered could
32 result in many more nonattainment areas in Kansas and expensive pol-
33 lution prevention programs would impose a significant economic burden
34 on the citizens of the State, especially in rural Kansas, without commen-
35 surate air quality benefits; and

36 WHEREAS, a more stringent ozone standard could result in the Kan-
37 sas City metropolitan area's being designated as "nonattainment" simply
38 because of a change in the standard, not because of a change in air quality,
39 thus imposing significant economic, administrative and regulatory bur-
40 dens on more citizens, businesses and local governments in this state; and

41 WHEREAS, The states of Kansas and Missouri have designated the
42 Mid-America Regional Council to work cooperatively with all stakehold-
43 ers to recommend a plan to maintain and improve Kansas City air quality

Agriculture is the number one industry of this state and the

because of the impact of normal and approved agricultural
practices; and

WHEREAS, Expensive

and without a practical means to achieve the additional
standard or the ability to attain compliance

House Environments
3-20-97
Addendum 1

1 and the Council has now submitted recommendations for a comprehen-  
2 sive program to further improve air quality in the Kansas City metropol-  
3 itan area; Now, therefore,

4 *Be it resolved by the Senate of the State of Kansas, the House of Rep-*  
5 *resentatives concurring therein:* That the Mid-America Regional Council  
6 is commended for its public participation process, which included all  
7 stakeholders in the development of its recommendations, and is encour-  
8 aged to continue to include all affected stakeholders when beginning **con-**  
9 **sideration of** implementation of its recommendations; and

10 *Be it further resolved:* That the Legislature supports all current air  
11 quality standards and opposes a separate standard for PM2.5 at this time  
12 and opposes any change in the ozone standard until such time as the  
13 positive benefits of any new air quality programs in the Kansas City met-  
14 ropolitan area have been realized; and

15 *Be it further resolved:* That the Legislature urges the EPA to continue  
16 studying the need for changes in the National Ambient Air Quality Stan-  
17 dards but to approve any change only after a cost benefit analysis and a  
18 risk assessment, similar to those required for environmental rules and  
19 regulations pursuant to K.S.A. 77-416 and amendments thereto, dem-  
20 onstrating the environmental benefit and economic impacts for each  
21 unique air shed such as the high plains of Kansas; and

22 *Be it further resolved:* That the Secretary of State be directed to send  
23 enrolled copies of this resolution to the Executive Director of the Mid-  
24 America Regional Council, to the Administrator of the United States En-  
25 vironmental Protection Agency for consideration as written testimony for  
26 Docket Nos. A-95-54 and A-95-58 and to each member of the Kansas

and

WHEREAS, The Department of Health and Environ. it  
is monitoring air quality to determine the levels of  
naturally occurring particulate matter in the air of this  
state;

Senate Concurrent Resolution No. 1609

By Committee on Energy and Natural Resources

2-12

10 A CONCURRENT RESOLUTION concerning the Ozone Transport As-  
11 sessment Group (OTAG).

12  
13 WHEREAS, The federal environmental policy for the nation as estab-  
14 lished by Congress through the enactment of the Clean Air Act and its  
15 amendments has established a very aggressive and ambitious program for  
16 meeting the health-based ozone air quality standard throughout the  
17 United States; and the states are primary responsible for meeting these  
18 program requirements through the development of state plans; and

19 WHEREAS, The Ozone Transport Assessment Group (OTAG) -  
20 whose membership is composed of the 13 Northeastern States in the  
21 Ozone Transport Commission, the 24 states from the Midwest and South  
22 and the United States Environmental Protection Agency (EPA)- was es-  
23 tablished specifically to work together to address these issues; and

24 WHEREAS, OTAG is working within a very short time frame to sci-  
25 entifically assess the ozone transport issue and develop acceptable rec-  
26 ommendations to deal with the problems and the scientific and technical  
27 credibility of the work being done is critical to the success of this effort;  
28 and

29 WHEREAS, Kansas and other states across the nation have spent bil-  
30 lions of dollars to comply with the Federal Clean Air Act and its provisions  
31 and costly emission restrictions have the potential to adversely impact  
32 state environmental programs, the price of energy and the ability of the  
33 industries, businesses and people of Kansas to compete in the global mar-  
34 ketplace; Now, therefore:

35 *Be it resolved by the Senate of the State of Kansas, the House of Rep-*  
36 *resentatives concurring therein:* That the Legislature encourage the  
37 EPA to allow the states to work together to complete the technical as-  
38 sessment of the ozone transport issues within OTAG and ~~that~~ call upon  
39 the EPA to allow adequate time to complete all of the extensive technical  
40 work required, including the complex computer modeling which is un-  
41 derway and upon which many major policy decisions may rest. This is  
42 essential given the high economic stakes which are at risk in this effort;  
43 and

— strike "that"

— and the probability that no actions by the state or people of  
Kansas will positively affect the air quality of other as

House Environment  
3-20-97  
Attn: Environment

1 *Be it further resolved:* That the Legislature endorse the scientific as-  
2 sessment of nitrogen oxide and ozone transport issues currently under  
3 development by OTAG, and specifically call upon the EPA to allow this  
4 group adequate time to complete and verify the accuracy of a massive  
5 computer model upon which the economic future of the Midwest may  
6 well rest, and reject the short, arbitrary deadlines which will impede en-  
7 suring the validity of that model and the practice of sound science; and

8 *Be it further resolved:* That the Legislature call upon the EPA and  
9 OTAG to encourage the active participation of governors and other  
10 elected officials in OTAG; and to refrain from actions or decisions in the  
11 absence of such participation that would have the effect of imposing on  
12 Kansas regulatory requirements in excess of and in addition to those al-  
13 ready specified by the Clean Air Act, as amended; and

14 *Be it further resolved:* That the Legislature call upon OTAG to ensure  
15 that any strategy selected is based on sound science and is the most cost-  
16 effective means of reducing transported ozone; and

17 *Be it further resolved:* That the Legislature request that the recom-  
18 mendations ultimately produced by OTAG be carefully reviewed and con-  
19 sidered by the 37 states and, if the recommendations are beyond the  
20 legislative authority currently contained in the Clean Air Act, then a joint  
21 legislative proposal should be agreed upon for United States congres-  
22 sional consideration; and

23 *Be it further resolved:* That the Legislature call upon OTAG to care-  
24 fully consider the states to be included in any recommended control strat-  
25 egy with respect to distance from any serious or severe nonattainment  
26 area, number and size of emission sources, current attainment status of  
27 ozone standards, and insignificant impact on any ozone nonattainment  
28 area in the Eastern United States; and

29 *Be it further resolved:* That the Legislature request that OTAG, be-  
30 fore a final recommendation is submitted to the EPA, provide affected  
31 state legislatures with the final recommended strategy along with the  
32 estimated cost of compliance; and

33 *Be it further resolved:* That the Secretary of State be directed to send  
34 enrolled copies of this resolution to **OTAG**, the Administrator of the  
35 United States Environmental Protection Agency and each member of the  
36 Kansas congressional delegation.