

Approved: 2-27-98
Date

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Vice-Chairperson Joann Freeborn at 3:30 p.m. on February 4, 1998 in Room 526-S of the Capitol.

All members were present except: Rep. Steve Lloyd - excused
Rep. Vaughn Flora - 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: Michelle M. Miller, Intergovernmental Relations Coordinator,
700 SW Jackson, Ste 202, Topeka, KS, 66603

Kim Gulley, League of KS Municipalities, 300 SW 8th, Topeka,
KS, 66603

Ronald, Hammerschmidt, PhD, Director, Division of
Environment, KDHE, Forbes Field, Bldg. 740, Topeka, KS
66620-0001

Others attending: See attached list

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She recognized Rep. Becky Hutchins.

Rep. Hutchins announced that a sub-committee meeting on HB2435, concerning watershed districts; concerning election of directors; relating to exercise of eminent domain, will meet Friday, February 5, at 7:30 a.m., in Room 526-S.

The Chairperson opened HB2419 for discussion and possible action.

HB2419: An act concerning oil and gas; relating to penalties for certain violations of law; amending K.S.A. 55-708, 55-904, 55-1004 and 55-1005 and repealing the existing sections.

Rep. Dan Johnson reported on the activities of the sub-committee on HB2419 and briefed the committee on the recommendations that were made. (See attachment 1)

Rep. Dan Johnson made a motion to adopt the sub-committee report as amended. Motion seconded by Rep. David Huff. Motion carried.

Rep. Dan Johnson made a motion that HB2419 be recommended favorable for passage as amended. Motion seconded by Rep. David Huff. Motion carried.

Rep. Dan Johnson will carry the bill, HB2419, on the house floor.

Chairperson Freeborn announced that Dr. James Zahn, Iowa State University will appear before the committee on Monday, February 9. There will be sub-committee meetings in the regular committee room, 526-S at 3:30 p.m., on February 10 and 12, on Confined Animal Feeding Operations. The agenda for Wednesday, February 11, has not been confirmed, there will be discussion and possible action on bills previously heard.

The Chairperson opened public hearing on HB2732.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 526-S Statehouse, at 3:30 p.m. on February 4, 1998.

HB2732: **An act concerning certain sewer systems; relating to extensions thereof; amending K.S.A. 1887 Supp. 65-165 and repealing the existing section.**

Raney Gilliland, Legislative Research Department explained the bill.

Chairperson Freeborn welcomed Michelle M. Miller, Johnson County Intergovernmental Relations Coordinator. She provided testimony in support of the bill, in behalf of the Johnson County Board of County Commissioners. (See attachment 2) This is a local option bill for the delegation of annual certification authority to waste water departments and sewer districts to extend permit approval to developers for the extension of sewer lines. It confers the same authority to sewer districts that is now enjoyed by public water districts. It will remove a 2-3 week delay and save a lot of bureaucratic overhead for professionally staffed waste water departments and sewer districts.

The Chairperson welcomed Kim Gulley, Assistant General Counsel. She supports the bill in behalf of the League of KS Municipalities and their 527 member cities. (See attachment 3) They believe that an annual certification process as identified in the bill will streamline the permit process for sewer system extensions. This will reduce the ultimate cost of these projects and save local tax dollars.

The Chairperson welcomed Ronald Hammerschmidt, Director, Division of Environment, KDHE. The Department is supportive of the bill and feels it will streamline permitting of sanitary sewer extensions, yet retain adequate authority for the Secretary to step in to problem areas. (See attachment 4) Questions followed.

Chairperson Freeborn closed the hearing on **HB2732**. She announced there is a fiscal note report on **HB2732**, however, there is no fiscal note. The local units of government really don't know how it will impact them. There could be a savings, because of time.

The meeting adjourned at 4:05 p.m.

The next meeting is scheduled for February 5, 1998.

HOUSE BILL No. 2419

By Committee on Environment

2-14

House Environment
2-4-98
Attachment 1

P. 02/03
15:48
Jan 30 '98
Fax: 316-337-6211
K.C.C. Wichita

9 AN ACT concerning oil and gas; relating to penalties for certain violations
10 of law; amending K.S.A. 55-708, 55-904, 55-1004 and 55-1005 and
11 repealing the existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 55-708 is hereby amended to read as follows: 55-
15 708. In addition to any penalty that may be imposed by the state corpo-
16 ration commission, any person, firm or corporation, or any officer, agent
17 or employee thereof, violating the provisions of this act, or any valid order,
18 or rules or and regulations of the commission, shall be guilty of a mis-
19 demeanor; and, upon conviction thereof, shall be punished by a fine in
20 any sum not exceeding ~~\$500~~ \$5,000, or by imprisonment in the county
21 jail not exceeding ~~six months~~ 30 days, or by both fine and imprisonment.
22

23 Sec. 2. K.S.A. 55-904 is hereby amended to read as follows: 55-904.

24 (a) It shall be unlawful for any person, firm, corporation, partnership or
25 other association of persons:

26 (1) To dispose of or cause the disposal of salt water produced in
27 conjunction with the production of oil or natural gas except in the manner
28 and locations prescribed by K.S.A. 55-901 and 55-1003, and amendments
29 thereto, and rules and regulations adopted pursuant to such sections;

30 (2) to knowingly contract for the transportation of such salt water with
31 a person, firm, corporation, partnership or other association of persons
32 who is not licensed under the provisions of K.S.A. 66-1,114, and amend-
33 ments thereto; or

34 (3) to own or operate any motor vehicle which, while being used for
35 the transportation of such salt water, contains an operable "trip-lever" or
36 similar device which is installed in such manner as to allow access to any
37 person while riding in the passenger compartment of such vehicle.

38 (b) As used in this section "salt water" means water containing more
39 than 5,000 milligrams per liter chlorides.

40 (c) This section shall not be construed to prohibit the spreading of
41 salt water on road beds under construction or maintenance if such spread-
42 ing of salt water is performed in compliance with rules and regulations
43 adopted by the secretary of the department of health and environment.
The secretary shall be responsible for enforcing, by appropriate proceed-

knowingly and
willfully

or as permitted by
the Commission

(2) to dispose of any substance
not exempt under 40 C.F.R. 261.4(b)(5)
in a CLASS II disposal or injection
well as revised 7/1/97;

(3)

(4)

and produced in conjunction with
the production of oil or natural gas

1 ings, such rules and regulations and shall immediately notify the appro-
2 priate county or district attorney of any actual or suspected violation of
3 this section.

4 (d) Any person, firm, corporation, partnership or other association of
5 persons who violates any provision of subsection (a) shall be guilty of:

6 (1) A class A nonperson misdemeanor and, upon conviction thereof,
7 shall be fined not less than \$500 nor more than \$5,000 severity level 9,
8 nonperson felony; and

9 (2) a severity level 10, nonperson felony on a second or subsequent
10 violation of paragraph (1) of subsection (a).

11 Sec. 3. K.S.A. 55-1004 is hereby amended to read as follows: 55-
12 1004. It shall be unlawful for any person having possession, control or
13 the use of any oil-field waste disposal well wherein salt water, mineralized
14 brine, oil or refuse produced from any oil well is disposed of below the
15 surface of the earth to inject such salt water, mineralized brine, oil or
16 refuse from any oil well therein at a pressure in excess of the maximum
17 pressure established by the state corporation commission and contained
18 in the permit issued thereby. The state corporation commission shall
19 maintain a permanent record of the maximum pressure established by it
20 on each such oil-field waste disposal well.

21 Any person violating any of the provisions of this section shall be guilty
22 of a misdemeanor, and upon conviction thereof, shall be punished by a
23 fine of not exceeding \$1,000, or by imprisonment not exceeding six
24 months, or by both such fine and imprisonment, and severity level 9,
25 nonperson felony. Each day any such violation continues shall be deemed
26 a separate offense.

27 Sec. 4. K.S.A. 55-1005 is hereby amended to read as follows: 55-
28 1005. Disposal of salt brines or other oil field wastes which do not meet
29 the requirements for minimum depth established by the rules and reg-
30 ulations of the corporation commission. The state corporation commission
31 shall inspect such wells to ascertain whether they meet such requirements
32 for minimum depth. Any person, firm, partnership, association or cor-
33 poration, violating the provisions of this act, shall be deemed guilty of a
34 misdemeanor and upon conviction, shall be punished by a fine of not less
35 than \$50 nor more than \$500 severity level 9, nonperson felony. Each day
36 of violation shall be considered to constitute a separate offense.

37 Sec. 5. K.S.A. 55-708, 55-904, 55-1004 and 55-1005 are hereby re-
38 pealed.

39 Sec. 6. This act shall take effect and be in force from and after its
40 publication in the statute book.

8

strike

except where non-compliance with this section is due to a cause or causes beyond control of said person, and once the operator knows or should have known of said non-compliance, said person takes immediate and reasonable steps to gain prompt and full compliance with the applicable statutes, rules and regulations.

knowingly and willfully

It shall be unlawful to use wells for the

section

TESTIMONY ON HB 2732 BEFORE THE HOUSE ENVIRONMENT COMMITTEE
On Behalf of the Johnson County Board of County Commissioners
Presented by Michelle Miller, Johnson County Intergovernmental Relations Coordinator
February 4, 1998

Chairman Freeborn, members of the committee, thank you for allowing me to appear before you today to testify on behalf of HB 2732. This bill is a 1998 priority of the Johnson County Board of County Commissioners. It is a very simple and straightforward housekeeping matter, and deals with a routine practice of our Wastewater Department. An identical provision was provided to public water distribution systems in 1996, and we have borrowed language from that statute.

This bill, in a nutshell, would confer from KDH & E, an annual certification or authority to wastewater departments who have a professional, licensed engineer on staff to issue approvals to developers for sewer line extensions. Current practice requires developers to submit a permit application to local wastewater departments, who review and render that permit application to KDH & E for what amounts to their rubber-stamp approval. That application is then returned to the wastewater department and the go-ahead is given to the developer. This process takes about 2-3 weeks time.

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700 S.W. Jackson Street, Suite 200

*House Environment
2-4-98
Attachment 2*

Johnson County in the last year processed about 145 such permit applications. In our experience, we have never had any review comments from KDH & E on these permit applications.

The bill further allows the secretary of KDH & E to maintain regulation over the issuance of permits and the standards required to qualify for an annual, rather than per-permit, certification authority. The secretary has the authority to impose whatever oversight features, for instance, periodic reporting, that he deems advisable and necessary.

To sum up, this is a local option bill for the delegation of annual certification authority to wastewater departments and sewer districts to extend permit approval to developers for the extension of sewer lines. It confers the same authority to sewer districts that is now enjoyed by public water districts. It will remove a 2-3 week delay and save a lot of bureaucratic overhead for professionally-staffed wastewater departments and sewer districts.

We hope you will agree that this bill will facilitate a routine practice, and is so simple and straightforward that you will see fit to place it on the consent calendar. Thank you for taking my testimony, I am happy to stand for questions or comments.

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League of
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Legal Department
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To: Members of the House Environment Committee

From: Kim Gulley, Assistant General Counsel

Date: February 4, 1998

Re: Support of HB 2732

I appreciate the opportunity to appear before you today on behalf of the League of Kansas Municipalities and our 527 member cities. The League strongly supports the changes relating to sewer system extensions as identified in this bill.

The language in this bill essentially provides for an annual certification to be issued by KDHE to allow cities to expand sewer systems when the extensions are prepared by a professional engineer and conform to minimum design standards. Under current law, a city must obtain a permit from KDHE for each separate extension project even when such projects are part of a larger plan which has been prepared by a professional engineer.

This recommendation mirrors the annual certification process concerning the expansion of water supply systems enacted by the Legislature in 1996 (HB 2965, K.S.A. 65-163). Providing a similar process for sewer system extensions was also advocated by the final report of the 1995 Environmental Law Task Force which was established by this committee and chaired by Chris McKenzie, League Executive Director.

We believe that an annual certification process as identified in HB 2732 will streamline the permit process for sewer system extensions. This will reduce the ultimate cost of these projects and save local tax dollars. Further, because KDHE would be authorized to issue annual certifications rather than issuing separate permits for each part of an expansion project, the cost to the state would also be reduced.

Finally, we believe that annual oversight by KDHE combined with the requirement of a plan prepared by a professional engineer which complies with minimum design standards provides adequate regulation to ensure public safety while reducing the administrative costs of government. We, therefore, wholeheartedly support the passage of HB 2732 as proposed.

*House Environment
2-4-98
Attachment 3*



KANSAS

DEPARTMENT OF HEALTH & ENVIRONMENT

BILL GRAVES, GOVERNOR

Gary R. Mitchell, Secretary

Testimony presented to
House Environment Committee
February 4, 1998

by

Ronald F. Hammerschmidt, Ph.D.
Director, Division of Environment

House Bill 2732

KDHE is supportive of HB 2732. The bill will streamline permitting of sanitary sewer extensions, yet retains adequate authority for the Secretary to step into problem areas.

Kansas statutes require a public sewer system be issued a permit from KDHE for the extension of the sewer system. This appears to be an old requirement intended to assure proper design and construction of sanitary sewers. KDHE's review looks at the materials to be used, hydraulic issues, methods of construction, the history of overflows, basement backups, or other problems, and the status of the treatment plant receiving the sewage. KDHE is essentially checking to assure a problem is not being created or enlarged.

The process has been streamlined by the use of standard specifications, but can still be improved. This statutory change was suggested in a report to the 1996 legislature by a task force appointed by Rep. Holmes and the House Energy and Natural Resources Committee. The task force was chaired by the League of Municipalities. Review of the statutes impacting municipalities, and removing or changing outdated statutes, were among the charges to the task force. Other recommendations were made and implemented by the legislature. This change was not made due to legislative strategy reasons, not due to the proposal's lack of merit. KDHE was involved with the task force and was supportive of the proposal.

KDHE believes this bill still allows the agency to step in when appropriate. Appropriate intervention would include when the receiving treatment plant is overloaded or soon will be, the sewer system is in poor shape and overflows, basement backups are a problem and the proposed extension would make the situation worse. The bill would allow KDHE to establish regulations which will further streamline the process but still allow the local utility and KDHE to review the significant issues and take appropriate actions.