

Approved: 2-17-98
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson David Corbin at 8:10 a.m. on February 12, 1998 in Room 254-E of the Capitol.

All members were present except: Senator Schraad

Committee staff present: Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Lila McClafin, Committee Secretary

Conferees appearing before the committee:
Secretary Gary Mitchell, Kansas Department Health and Environment
Linda Peterson, Marian County Commissioner
Jim Williams, Riley County Commissioner
Bill Bider, Kansas Department of Health and Environment

Others attending: See attached list

SB 483 -Disposal of certain solid wastes authorized without permit.

Chairperson David Corbin opened the hearing on **SB 483**, and called on Secretary Mitchell.

Secretary Mitchell said the bill was introduced by the Department to expand the types of solid waste disposal activities which may occur without obtaining a solid waste landfill permit, if special circumstances exist which warrant this approach. The Department thinks it is very appropriate to expand the current list of specific waste disposal practices which can be approved without a permit if a general emergency exist or it is necessary to protect human health (Attachment 1).

Secretary Mitchell and Bill Bider gave examples of situation were it would be very helpful to have this legislation in place. One example given was the removal of cattle after the big snow storm in western Kansas were many cattle died.

Linda Peterson, Marion County Commissioner and a board member of the Central Kansas Solid Waste Authority supported the proposal as it would address a concern that they have had on how to handle debris from a tornado, floods, or other natural disasters. She thought it was good common sense legislation (Attachment 2).

James Williams, Riley County Commissioner, presented testimony supporting the bill. He said it would allow counties to more effectively manage their disposal of solid waste generated by natural disasters, demolition sites and transportation accidents. The proposed legislation would have being very helpful in disposing of the solid waste created by the flood of 1993, and would have saved public money (Attachment 3).

The hearing was closed.

Chairperson Corbin made brief remarks about the disposal of asbestos in landfills and he told of an incident in his county several years ago when a large number of cattle died from poison feed and the need to dispose of the carcasses in a timely matter.

A motion by Senator Biggs, with a second by Senator Huelskamp would amend the bill on page 2, (5), to included the language, "natural disaster or other such emergencies". The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 254-E Statehouse, at 8:00 a.m. on February 12, 1998.

A motion by Senator Goodwin, with a second by Senator Biggs to pass the bill as amended. The motion carried.

The next meeting is scheduled for February 13, 1998.

The meeting adjourned at 8:35 A.M.



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Gary R. Mitchell, Secretary

Testimony presented to

Senate Energy and Natural Resources Committee

February 12, 1998

by

Gary R. Mitchell, Secretary

Kansas Department of Health and Environment

Senate Bill 483

KDHE appreciates this opportunity to provide testimony in support of Senate Bill 483. This bill was introduced by the department to expand the types of solid waste disposal activities which may occur without obtaining a solid waste landfill permit. The department is requesting statutory authority to "approve of" certain waste disposal practices, rather than utilize the more time consuming and expensive permitting process, if special circumstances exist which warrant this approach.

The department already has some limited authority to approve of unpermitted solid waste disposal and processing activities. Prior to the 1997 legislative session, the solid waste statutes gave the secretary broad authority to evaluate any waste management situation and determine whether a permit was necessary. However, House Bill 2226 took away that general authority and replaced it with two specific exemptions to the permitting requirements. These include: (1) waste which has already been dumped at an unpermitted site; and (2) waste which is processed as part of a temporary remediation project.

The primary reason for the 1997 legislative action was to ensure that disposal activities would all be subject to the long-term financial assurance requirements related to post-closure care. Today, we recognize that these concerns are not warranted in cases where long-term liabilities are insignificant. Also, KDHE can stipulate certain conditions as part of the unpermitted approval process to provide some assurance that closure and post-closure will be properly carried out.

In 1997 when this change to the statutes was made, it was not possible to foresee all of the potential needs which may arise which warrant an exemption from the solid waste permitting process. Although the department is not requesting a return to the "general" authority which existed prior to 1997, it is appropriate to expand the current list of specific waste disposal practices which can be approved without a permit and to provide a "general emergency" provision to approve of prompt disposal when necessary to protect human health. The three newly proposed disposal practices include:

- (1) The disposal of construction & demolition waste at the site where the waste is generated
- (2) The disposal of waste resulting from a transportation accident near the accident site
- (3) The disposal of dead animals on or near the property where the animals die

The suggested emergency provision is designed primarily to handle waste generated by natural disasters. It also is needed to give the department the flexibility to quickly address other unpredictable problems that may arise. Such approvals will only be granted by the department if the local authorities agree to properly close and maintain the site.

This new authority will greatly benefit Kansans because waste management problems can be more promptly handled and disposal costs will be significantly reduced. KDHE will ensure that environmental protection is not compromised when approving of unpermitted disposal activities.

Thank you for this opportunity to provide testimony on SB 483.

SENATE BILL NO.483

TESTIMONY

My name is Linda Peterson. I am a Marion County Commissioner and a board member of the Central Kansas Solid Waste Authority made up of Dickinson, Harvey, Marion and McPherson counties.

Proposed Senate Bill No. 483 which authorizes disposal of certain wastes as an exemption to the solid waste permitting requirements is very important to Marion County. I have had a long standing concern for cleanup of debris from natural disasters, such as tornadoes, floods and lightning strike fires. Our Emergency Preparedness Coordinator has reminded me many times how important it is for Marion County to be prepared to handle debris from a tornado. He also has had many conversations with K.D.H.E. staff on disposals from natural disasters and fully supports the provisions of Section 1 Paragraph (6) of the proposed Senate Bill No. 483.

Other provisions for exemptions to solid waste permitting requirements needed by Marion County are contained in:

Section 1 Paragraph (3) – Disposal on sight of a building

Section 1 Paragraph (4) – Disposal of wastes from a transportation
Accident

Section 1 Paragraph (5) – Disposal of whole livestock carcasses

I want to thank the K.D. H.E. Bureau of Waste Management staff for their assistance on these disposal needs so important to our rural counties. I am pleased that great progress is being made on solid waste planning and legislation and would encourage your approval of Senate Bill No. 483.

Senate Energy & Natural Resources

Attachment: 2

Date: 2-12-98 2-1

TESTIMONY OF JAMES WILLIAMS
REGARDING SENATE BILL 483
BEFORE THE SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
SENATOR DAVE CORBIN
CHAIRMAN

8:00 AM THURSDAY 12 FEBRUARY 1998
ROOM 254-E, THE KANSAS CAPITOL

Chairman Corbin, members of the Committee on Energy and Natural Resources, thank you for allowing me to present testimony to you today regarding Senate Bill 483. This proposed legislation would allow Kansas Counties to more effectively manage the disposal of locally generated solid waste.

This bill allows for the on site burial of demolition waste created by the demolition of buildings and structures. Presently this waste must be hauled to a Kansas Department of Health permitted construction demolition landfill. This disposal requirement adds to the cost of the disposal of building demolition materials while not creating any additional environmental protection. The proposed change will save the disposing public money and not threaten the environment in the process.

Senate Energy & Natural Resources

Attachment: 3

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The same argument can also be made for the disposal of waste generated by transportation accidents and livestock carcasses.

Natural disasters can create huge volumes of waste. In Riley County the Great Flood of 1993 quadrupled the amount of waste going through the Riley County transfer station in the weeks after the flood. Much of this waste could have been buried out of the flood plain in the Manhattan area under the direction of the Kansas Department of Health rather shipping it to Lawrence for disposal.

The Kansas Department of Health and Environment oversight will insure these changes will not conflict with the federal law, the Resource Conservation and Recovery Act of 1976 and the subsequent amendments.

I therefore feel these proposed changes to K.S.A. 1997 Supp. 65-3407c are good public policy. I therefore urge the Committee on Energy and Natural Resources to report Senate Bill 483 favorably out of committee. Thank you. Are there any questions from the committee?