

Approved: 4-10-98
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson David Corbin at 12:11 p.m. on March 27, 1998 in Room 254-E of the Capitol.

All members were present except: Senator Goodwin

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

Conferees appearing before the committee:
Don Carlson, Kansas Department of Health and Environment (KDHE)
Derenda Mitchell, Department of Agriculture
Jamie Clover Adams, Governor's Office

Others attending: See attached list

Chairperson Corbin announced the agenda for the meeting was to continue discussion of **Sub. For HB 2950 - Regulation and permitting of swine facilities.** The floor was opened for further amendments.

A motion was made by Senator Morris with a second from Senator Karr, to amend the bill on page 9, line 13, Section (E), to strike "soil scientist" and after agronomist insert "or individual trained in crop protection". The motion carried.

A motion was made by Senator Schraad with a second from Senator Morris to amended the bill on page 10, line 3 striking 30 and inserting "60", and in line 7 strike 30 and inserting "60". The motion carried.

A motion was made by Senator Schraad with a second from Senator Morris to amend in line 21 to strike "18" and add "24", and in line 23 strike "every 36 months", and add "a the discretion of the department". Don Carlson Kansas, Department of Health and Environment (KDHE) responded to questions about the current practices of inspecting swine facilities. The motion carried.

A motion was made by Senator Tyson with a second from Senator Huelskamp on page 8, in line 32, to strike the language "prepare" and after "Kansas Register" insert the language in (Attachment 1). This amendment would make the permit application document available on the Internet. The motion carried.

Don Carlson responded to questions about the hundred year flood plan and defined what is a hundred year flood plan.

A motion was made by Senator Huelskamp with a second from Senator Tyson to amend the language in the irrigation section, on page 18, line 4 & 5, strike all of (5.A), and insert "employ measures to irrigate under conditions that reasonably prevent surface runoff. The motion carried.

A motion was made by Senator Huelskamp with a second from Senator Schraad to amend on page 18, line 6, (B), after "use" insert "reasonable" and strike all of line 7, and insert "to which it is applied". The motion carried.

The committee discussed who was responsible for any damage that might occur from application of swine waste. Derenda Mitchell, Department of Agriculture, responded to questions regarding the chemigation laws and the procedures and precautions in the land application of manure or wastewater. Don Carlson responded to questions concerning current law. Spokesperson from both Departments thought there was sufficient safeguards to protect the environment in the manure management plan.

A motion was made by Senator Huelskamp with a second from Senator Pugh, to amend page 25, New Sec. 20, by striking all of lines 12 and 13. The motion carried. A motion was made by Senator Huelskamp with a

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 254-E Statehouse, at 12:11 p.m. on March 27, 1998.

second from Senator Biggs to reinstate Sec 33, Sec 34, Sec 35 and Sec 36 and these sections would be renumbered. The motion carried.

The committee discussed at what point owners of swine facilities were required to have a permit? Jamie Clover Adams, from the Governor's office told the committee almost everything in the legislation is tied to 1,000 animal units so smaller units would not be required to meet many of the aspects of the bill. The home rule questions from yesterday were clarified by staff.

The status of elections in Meade County was discussed. Senator Clark briefly reviewed a bill that he had introduced two years ago relating to corporate farm elections.

Senator Tyson made a motion that all references in the bill to six months as the time frame of the act be amended to six months from the date that rules and regulations are adopted. The motion died for a lack of a second.

A motion by Senator Pugh with a second from Senator Corbin that Sub for HB 2950 be passed as amended. A committee member expressed concern that the bill had major changes and he would like to see a balloon draft of it before passing it out.

Chairperson Corbin said he had no problem with delaying the action until a balloon draft of all of the amendments could be drawn up. The motion would lie on the floor until the next meeting which is scheduled for March 30, 1998, at 12:15 p.m.

The meeting adjourned at 1:35 p.m.

SENATE ENERGY & NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: 3-27-98

NAME	REPRESENTING
Don Carman	Ks. Dept. of Health & Environment
ED ROWE	LEAGUE OF WOMEN VOTERS / KS
Jamie Clover Adams	Governors' Office
Chris Wilson	KSIA
Tom Bruno	Allen & Assoc.
J. BOTTENBERG	KPPC
Jim Allen	Seaboard -
Rod Brenneman	SEABOARD
Mike Beam	Ks LUSTK. ASSN
Deanda Mitchell	Ks. Dept. of Agriculture
Woody Moses	KAPA.
Paul M Bee	Rural Coalition of Counties
Charles Benjamin	UNRC / KS Sierra Club
Rachelle Detweiler	Kaw Valley Independent
Mike Jensen	KPPC
Marty Vanier	KS Ag Alliance
Rich McKee	KLA
Bill Fuller	Kansas Farm Bureau

1 state university, owners and operators of permitted swine facilities and
2 other appropriate persons, entities and state and federal agencies.

3 (d) "Department" means the department of health and environment.

4 (e) "Existing swine facility" means any swine facility in existence and
5 registered with or permitted by the secretary before the effective date of
6 this act.

7 (f) "In existence" means constructed or in place and capable of con-
8 fining, feeding and maintaining swine. If the department has taken final
9 formal administrative action requiring abandonment of a swine facility or
10 cessation of a swine facility operation for reasons other than separation
11 distances, the department shall conclude the past facility or operation was
12 illegal and not eligible to continue previously legal acts. A facility for which
13 the department has taken such an action shall be considered a new swine
14 facility for the purpose of separation distance requirements.

15 (g) "Permit" means a water pollution control permit for a swine fa-
16 cility pursuant to K.S.A. 65-166a and 65-171d, and amendments thereto.

17 (h) "Secretary" means the secretary of health and environment.

18 (i) "Significant water pollution potential" means any significant po-
19 tential for pollution of groundwater or surface waters as defined by rules
20 and regulations adopted by the secretary.

21 (j) "Swine facility" means a confined feeding facility for swine.

22 (k) "Swine waste management system" means all constructed, exca-
23 vated or natural receptacles used for the collection, conveyance, storage
24 or treatment of manure or wastewater, or both, from a swine facility,
25 including swine containment buildings.

26 (l) "Swine waste retention lagoon or pond" means an excavated or
27 diked structure, or a natural depression, provided for or used by a swine
28 facility for the purpose of containing or detaining swine wastes or other
29 wastes generated in the production of swine.

30 New Sec. 3. (a) After receipt of an application for a permit for con-
31 struction of a new swine facility or expansion of an existing swine facility,
32 the department shall ~~prepare and~~ publish in the Kansas register.

33 (1) A document containing all the requirements with which the swine
34 facility must comply upon approval by the department and a brief expla-
35 nation of the statutory or regulatory provisions on which the requirements
36 are based;

37 (2) any determinations of, and explanations for, departures from any
38 requirements otherwise applicable to the facility, including citations to
39 the applicable guidelines, development documents or authorities for the
40 departures; and

41 (3) a fact sheet containing the following information required in the
42 application:

43 (A) A detailed description of the location of the facility, including the

Swine Amendment

Senate Energy & Natural Resources

Attachment: 1

Date: 3-27-98

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a notice of receipt of the application which shall include but not be limited to:
(1) The names and addresses of the operator of the facility and the owner of the property where the facility is or will be located; and
(2) notice of the availability of the document and fact sheet prepared pursuant to subsection (b).
(b) After receipt of an application for a permit for construction of a new swine facility or expansion of an existing swine facility, the department shall prepare the following, which, at a minimum, shall be made available on the internet and shall be available for inspection and copying, in accordance with the open records act, at the department's office in the district where the swine facility is or will be located

reletter subsections and cross references accordingly