

Approved: 3-11-99
Date

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 9, 1999 in Room 423-S of the Capitol.

All members were present except: Rep. Douglas Johnston - excused
Rep. Tom Sloan - excused
Rep. Ted Powers - excused
Rep. Dennis McKinney - excused
Rep. Lisa Benlon - excused

Committee staff present: Mary Torrence, Revisor of Statutes
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Dr. Ronald Hammerschmidt, Director, Division of Environment, Kansas Department Health and Environment, Forbes Field Bldg. 740, Topeka, KS 66620-0001
Tracy Streeter, Executive Director, Conservation Commission, Mills Bldg., 109 SW 9th, Ste 500, Topeka, KS 66612-1299
Terry Duvall, Public Service Executive, Kansas Water Office, 109 SW 9th, Ste 300, Topeka, KS 66612-1249
Clint Riley, Attorney, Department Wildlife and Parks, 900 SW Jackson, Ste 502, Topeka, KS 66612-1220
Bill Bider, Director, Bureau Waste Management, Forbes Field, Bldg. 740, Topeka, KS 66620-0001
Linda Peterson, Marion County Commissioner, RR 2, Box 34, Burdick, KS 66838

Others attending: See attached list

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m.. She reviewed several documents that had been distributed to committee members. Information from the Kansas Corporation Commission regarding Status Report on Implementation of Recommendations that was requested by committee members in the February 4 meeting. (See attachment 1) Copies of slides on Total Maximum Daily Loads that was presented by Thomas Stiles, Director, Planning and Prevention, KDHE on February 4. (See attachment 3 in February 4 minutes); a newspaper article from the Clay Center Dispatch concerning deer population; and testimony from Rick M. Langdon, Lucas, Kansas, conferee on **HB 2124**, received after the February 2 hearing on the bill. (See attachment 8, February 2 minutes). The Chairperson reviewed the agenda for Thursday February 11. Kansas State University will review findings relating to 1998 **HB2950** and Dr. Jay Ham will review a report on Lagoon Study. Also possible action on bills previously heard.

Chairperson Freeborn welcomed Dr. Ronald Hammerschmidt, KDHE. He introduced Greg Foley, Section Chief, Livestock Management Section, KDHE. Mr. Foley briefed the committee on the 1998 Legislative report on Kansas Livestock Waste Management Program. The 1998 Legislative session developed and adopted **HB2950** that defined requirements for the KDHE to prepare "on or before the first day of the 1999 and 2000 regular legislative sessions, the Secretary shall submit a report regarding implementation of the provisions of K.S.A. 65-171d and sections 2 through 22, and amendments thereto, to the house and senate standing committees on agriculture, the senate standing committee on energy and natural resources and the house standing committee on environment." The following information was prepared to address the first half of the above quoted requirement. (See attachment 2) He also used overhead views for the briefing which included Evaluation; Data Management Overhaul; Calendar Year 1998 Activities; and Livestock Waste Management. (See attachment 3) Questions and discussion followed.

The Chairperson thanked Dr. Hammerschmidt and Mr. Foley for their presentation and congratulated them on a job well done. She opened the hearing on **HB 2144**:

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S Statehouse, at 3:30 p.m. on February 9, 1999

HB 2144: An Act amending the multipurpose small lakes program act; amending K.S.A. 82a-1603 and repealing the existing section.

Mary Torrence, Revisor of Statutes, explained the bill.

The Chairperson welcomed Tracy Streeter, Executive Director, Conservation Commission, to the committee. He testified in support of the bill, with amendments proposed by the Kansas Water Office. (See attachment 4) If passed this bill will enable the Multipurpose Small Lakes Program to assist local entities in the renovation of existing water supply and recreation lakes. He discussed costs of a typical application for assistance.

The Chairperson welcomed Terry Duvall, Kansas Water Office. She appeared as a proponent to the bill. However, the Kansas Water Office does believe the concerns regarding the eligibility of renovation projects for financial assistance under this act can be addressed in a different manner. (See attachment 5) Questions and discussion followed.

The Chairperson closed the hearing on **HB2144** and opened hearing on **HB2146**:

HB 2146: An act concerning expenditures related to certain wetlands; amending K.S.A. 1998 Supp. 32-846 and repealing the existing section.

Mary Torrence, Revisor of Statutes, explained the bill.

Chairperson Freeborn welcomed Clint Riley, Attorney, Department Wildlife and Parks. He testified in support of the bill. (See attachment 6) During the 1998 Legislative Session, both the House and Senate unanimously approved 1998 **HB 2783**, which authorized the Department of Wildlife and Parks to enter into an agreement with the U.S. Army Corps of Engineers to restore approximately 2,550 acres of wetlands near Milford Lake, and to designate an area of the project the "Steve Lloyd Wetlands", in honor of the former chair of the House Committee on Environment. For legal reasons adjustment to the statutory language is necessary. In order to enable the Department of Wildlife and Parks and the Corps to jointly proceed with this important project they request the passage of the bill. Questions and discussion followed.

The Chairperson closed the hearing on **HB2146** and opened hearing on **HB2147**:

HB2147: An act concerning solid waste; authorizing disposal of certain wastes without a permit; amending K.S.A. 1998 Supp. 65-3407c and repealing the existing section.

Mary Torrence explained the bill.

Chairperson Freeborn welcomed Bill Bider, Director, Bureau of Waste Management, KDHE. He appeared in support of the bill. (See attachment 7) KDHE appreciates the opportunity to provide testimony in support of the bill which was introduced by the Department. The purpose of this bill is to broaden KDHE's authority to approve of certain solid waste disposal activities without requiring the person performing the disposal activity to obtain a permit.

The Chairperson welcomed Linda Peterson, County Commissioner, Marion County to the committee. She appeared in support of the bill (See attachment 8) and feels this bill is very important to Marion county. She has had a long standing concern for cleanup of debris from natural disasters, such as tornadoes, floods and lightning strike fires. She has been reminded by the Emergency Preparedness Coordinator many times how important it is for Marion county to be prepared to handle debris from a tornado and urges the passage of this bill.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S Statehouse, at 3:30 p.m. on February 9, 1999.

The Chairperson closed the hearing on **HB2147**. She opened **HB2104** for discussion and possible action.

HB2104: **An act concerning controlled shooting areas; amending K.S.A. 32-943 and repealing the existing section.**

Rep. Sharon Schwartz made a motion **HB2104** be passed favorably and placed on the consent calendar. Rep. Dan Johnson seconded the motion. Motion carried.

The Chairperson opened **HB2145** for discussion and possible action.

HB2145: **An act concerning solid waste; relating to certain permits; amending K.S.A. 1998 Supp. 65-3407 and repealing the existing section.**

Rep. Becky Hutchins made a motion to amend **HB2145**, page 5 line 15 after the word "issue". Rep. Gerry Ray seconded the motion. Motion carried.

Rep. Becky Hutchins made a motion **HB2145** be passed as amended. Rep. Sharon Schwartz seconded the motion. Motion carried.

The meeting adjourned at 4:55 p.m.

The next meeting is scheduled for February 11, 1999.

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: February 9, 1999

NAME	REPRESENTING
Rich McKee	KLA
Karl Myeldener	KDHE
Joe L. Fund	KDHE
Greg Foley	KDHE
Dr. Ronald F. Hammerschmidt	KDHE
Linda Peterson	Marion Co. Commission
Kerri Ebert	Ks Dairy Association
Tracy Stutz	STATE Cows. Comm.
Blake Henning	State Cons. Comm.
Garry Keeler	Ks Dept Ag.
Jamie Clover Adams	Governor's Office
Dale Lambly	Ks Dept. of Agriculture
Bill Bider	KDHE
Rich McKee	KLA
Clint Biles	KDWP
John C. Bottenberg	Doffenbaugh Ind.
Lary Sisson	Kearney Law Office
Jim Allen	Sea Board
Leslie Kaufman	Ks Farm Bureau

**Status Report on Implementation of Recommendations
from
Legislative Division of Post Audit
K-GOAL Audit of the Conservation Division
Kansas Corporation Commission**

January, 1999

Recommendations Page 16 & 17 of Audit Report:

Recommendation 1 (Written Policies and Procedures)

The Division, as part of its Underground Injection Control grant from the U.S. EPA, has completed a very detailed set of written procedures for water sampling and testing. In addition the Division has begun the process of developing written procedures for the field staff with regard to some of its most important field procedures. Draft procedures and documentation requirements have been developed through the district field offices in the following areas: lease inspections, mechanical integrity testing of Class II injection and disposal wells, and spill reporting and clean-up procedures.

Recommendation 1a (Documentation of Lease Inspections)

The Division has contracted for further customization of the Risk Based Data Management System, including enhancements to the existing "Environmental Lease Inspections" module, which will be used to track and document lease inspections. Report and data field requirements have been reviewed with the contractor. Importing existing lease data from KDOR files should significantly shorten initial data entry requirements.

Recommendation 1b (Tracking of Complaints / Documentation of Investigations)

A standardized database for tracking complaints and compliance matters has been developed. Implementation of the database in all four of the district field offices has been ongoing throughout 1998. Final implementation was completed as of January 1, 1999.

Recommendation 1c and 1d (Timeframes for Corrective Action / Documentation)

In 1998, the Conservation Division legal staff developed and presented mini-seminars to further educate the district staff on appropriate documentation for lease inspections and compliance problems. District personnel are being encouraged to consult with the legal staff "early and often" regarding specific compliance concerns. Through this ongoing cooperative effort between the legal staff and the district offices, appropriate timeframes for corrective action and guidelines for extending timeframes are being carefully developed. This cooperative process will lead to better legal education among staff, and more consistent, appropriate guidelines.

*House Environment
2-9-99
Attachment 1*

Recommendation 2 (Data Entry Accuracy and Verification of Data in Computer Database)

As previously reported the recently installed Risk Based Data Management System does have data entry checks which serve to reduce data entry error. Additional functionality and control over data entry error has been provided through development of specific data entry screens. The inclusion of pull down menus and lists on the new input screens greatly reduce keystroke error and maintains standardization of the database. Verification of new records created through the intent to drill permit process are verified on a daily basis. Additional verification of data is provided through data queries created by staff. Such queries can be designed to show possible missing or unreliable data. Data queries are also used for comparative purposes such as records duplication checks. A duplicate data edit module is currently being developed by contractors provided through a grant from the Groundwater Protection Council.

Recommendation 3 (Intent to Drill Permits - Automated Compliance Checks)

The production department now has a query in place that compares the Intent to Drill permit date against the commencement date of a well and automatically generates a list of wells which could have commenced drilling operations prior to obtaining an Intent to Drill permit. This query can be done at any time, but is currently run bi-annually for compliance purposes.

Recommendation 4 (Lease Inspection Schedule)

The ongoing enhancements to the "Environmental Lease Inspections" module of the Risk Based Data Management System will be used to plan, track, and document lease inspections. Tying the inspection planning to an existing relational, risk based data system will allow staff to allocate appropriate resources to inspections of leases or exploration operational areas that have higher levels of risk.

Recommendation 5 (Compliance Case Management by Legal Staff)

Legal staff is now operating under draft procedures which specify timelines for cases referred for legal action. Further review and streamlining of the case handling and clerical process began in December 1998, with the hiring of a lawyer to oversee the process.

Recommendation 6 (Procedures - Reduced / Rescinded Penalties)

The Division completed its report on this item in its initial response dated February 17, 1998. The Division has procedures which outline the level of authorization necessary to negotiate or approve reduced or rescinded fines. The procedures specified that fines may be reduced or rescinded only in accordance with Commission orders.

Recommendation 7 (Compliance with Proration Orders)

The Division has proposed amendments to three basic proration orders designed to bring "out of tolerance" wells into compliance, without causing undue harm to affected third parties. (Affected third parties include in many instances, farmers who rely on gas from out of tolerance wells to fuel their irrigation pumps, and homeowners who rely on gas from out of tolerance wells for heating fuel). A hearing on the proposed amendments was held December 10, 1998, and the deadline for filing briefs was January 4, 1999. The Commission and staff are in the process of evaluating issues raised in the briefs, before the Commission makes a final decision.

Recommendations Page 27 of Audit Report:

Recommendation 1a (Formal Plugging Plan)

The Division prepared and presented a formal plugging plan to the Legislative Post Audit Committee on April 15, 1998. The plan calls for immediate response with emergency action for those wells which have the highest level of risk relative to public safety and sets target levels for distribution of funding to wells ranked in the Priority I category.

Recommendation 1b and 1c (Completion of Abandoned Well Inventory)

The Division continues to place a high priority on the orderly completion and reinspection of abandoned well sites and good progress has been made through the use of Global Positioning System (GPS) technology. In 1997, the Conservation Division had three standard Global Positioning System (GPS) units assigned to the Chanute district office. During 1998, the Conservation Division added one additional GPS unit to the Chanute office and upgraded all four units with beacon receivers. These receivers allow the GPS units to receive real time data without the use of a base station and have essentially doubled the capabilities of that office. In addition, each of the other district field offices (Dodge City, Hays, & Wichita) received two of the standard GPS units.

Recommendation 2 (Extending the Abandoned Well Site Remediation Fund)

The Commission continues to concur with the recommendation that an extension of the Abandoned Well Program beyond its current "sunset clause" of June 30, 2002 is the most practical method of resolving the number of abandoned wells that need to be plugged.

Recommendation 3 (Documentation / Guidelines for Bid Procedures)

The District offices continue to work closely with the Commission accounting office and the Department of Administration on documentation of bid procedures for those well plugging projects where costs are expected to be less than \$10,000. The Division of Purchasing and the Commission accounting office have provided training to District staff and both offices continue to monitor bid submittals versus final costs.

Recommendations Page 32 of Audit Report:

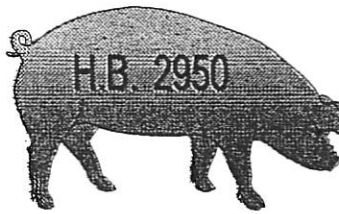
Recommendation 1 (Clarification of Legislative Intent for Financial Assurance Fees)

In its initial response to the audit report the Division agreed that legislative clarification as to segregation and use of funds derived from the Financial Assurance Program would be helpful. The Division had noted at that time that the program had been in place less than sixty days and little data was available for analysis. Licensing data and funds generated through the Financial Assurance Program has been tracked by the Division during 1998. In summary that data shows that: 2078 licensed operators provided financial assurance through the payment of a \$50 non-refundable fee thereby generating \$103,900; 191 licensed operators provided financial assurance through cash payments based on bonding requirements tied to the number of wells operated or total footage of wells operated thereby generating payments in excess of \$57,500; 103 licensed operators provided financial assurance through the posting of bonds, certificates of deposit, or

letters of credit creating plugging assurances totaling in excess of \$1,573,000.

Recommendation 2 (Efforts to Locate Responsible Parties for Plugging of Abandoned Wells)

The Division is continuing to take all reasonable efforts to pursue responsible parties and to appropriately document such efforts. The search for responsible parties can become expensive and pursuing a judgment against a judgment-proof responsible party will not always be cost-effective. Balancing the need to be cost-effective, the Division and legal staff have concentrated their efforts toward documenting and pursuing those parties responsible for plugging costs.



Kansas Livestock Waste Management Program

1998 Legislative Report

Prepared by

Kansas Department of Health and Environment

Division of Environment

Bureau of Water

Livestock Waste Management Section

December 30, 1998



*House Environment
2-9-99
Attachment 2*



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* - Available upon request	

The 1998 Legislative Session developed and adopted House Bill 2950 that defined requirements for the Kansas Department of Health and Environment(KDHE) to prepare “On or before the first day of the 1999 and 2000 regular legislative sessions, the secretary shall submit a report regarding implementation of the provisions of K.S.A. 65-171d and sections 2 through 22, and amendments thereto, to the house and senate standing committees on agriculture, the senate standing committee on energy and natural resources and the house standing committee on environment.” The following information was prepared to address the first half of the above quoted requirement.

Bureau Mission: To protect and improve the health and environment of Kansans through wise regulation of waters of the state.

Philosophy: Bureau philosophy is to implement the laws in a professional manner which achieves the law’s goals reliably and cost-effectively. Program goals are established to enhance public trust and understanding for state government.

Program Mission: Work with entities involved in animal agriculture to educate and implement statutory and regulatory requirements to maintain and/or achieve environmental compliance to protect the waters of the state.

Executive Summary: The Kansas Department of Health and Environment (KDHE) has been assigned the responsibility for making decisions that affect the physical health and environment of Kansans. The 1998 session assigned additional complex statutes, primarily addressed at swine, that invoke KDHE to develop a strategic plan, reorganize existing program, and acquire new staff to address the charge outlined in House Bill 2950. This team must have the knowledge to assess all aspects of a situation, the skills to implement chosen responses, the judgement to determine the repercussions of any given decision, and the dedication to work on sensitive environmental issues under difficult conditions.

The Livestock Waste Management Program history in Kansas dates back to the adoption of regulations in 1968. Kansas livestock facilities that are greater than 300 animal units are required to register with the department. The registration will allow staff to visit and evaluate the site to make a determination if a significant potential to pollute exists. An Animal Unit(AU) is terminology that describes a value or factor to calculate potential waste loads that considers the variability associated with multi-specie regulation. Facilities that are greater than 1000 AU’s are subject to National Pollutant Discharge Elimination System (NPDES) requirements. The NPDES provisions are Federal mandates spawned from 1972 amendments to the Federal Water Pollution Control Act also known as the Clean Water Act. KDHE has been delegated the authority, via legislative action, to implement the federal program in conjunction with the state program.



Program Accomplishments:

The primary focus of this report is to identify the components and methods KDHE has and/or will be using to implement the provisions of H.B. 2950. Every component found within the report could be included in this focus area, however, to identify the strategic implementation efforts, this section will address a brief synopsis of District Office activity. The following data represents activity for the Federal Fiscal Year 1998, October 1, 1997 thru September 30, 1998:

Activity	Totals
Inspections	
Federal Facilities	334
State Facilities	374
Certified Facilities	91
Complaints	121
Discharges	14
Site Appraisals	358
Post Construction Inspections	14
Permits Issued:	
Federal	48
State	35
Certifications	109
Renewals	41
Other Activities:	
Technical Assistance	
Telephone	1395
On-Site	280
Follow-up Inspections	117

Note: All Federal facilities were inspected in calendar year 1998!



Central Office activities throughout the calendar year centered around the legislative session and changes to implement the new statutory requirements. Primary activities included the development of regulations, program manual implementation guidance, a new database, preparation of position descriptions, hiring newly authorized Livestock Waste Management staff, of training new and existing staff, coordination with swine advisory committee, and the review and preparation of concurrence reports on agricultural permits receiving comments.

The majority of the year the central office staff consisted of an Environmental Scientist, a Professional Environmental Engineer, and an Environmental Technician. As of January 4, 1999 all the central office vacancies will be filled. Appendix B includes organizational charts for the central and district offices. The steep learning curve creates challenges for program staff, however, a sound strategic plan and realistic implementation timelines will ensure successful long-range results.

Regulations:

In late 1997, KDHE had developed a set of preliminary draft regulations updating the current regulatory requirements and design standards. The regulations and design standards are used in administering water pollution control activities associated with animal and other process wastes generated by confined livestock feeding operations. As a part of KDHE's attempt to obtain public input on the various concepts and proposals being considered, the text of these concepts and proposals was published in its entirety in the Kansas Register on December 18, 1997.

During the 1998 Legislative Session a number of bills were introduced addressing livestock waste management associated with swine facilities. During the session, the Substitute for House Bill No. 2950 (HB 2950) was passed, signed by Governor Graves, and published in the Kansas Register on May 7, 1998. Provisions of HB2950 required KDHE to develop and adopt regulations by January 1, 1999 that were required to implement and administer the provisions of HB 2950. In lieu of the concepts and proposals considered in the December 1997 draft regulation and the revised draft design standards, KDHE concentrated on making the critical program changes needed at this time to comply with Legislative intent regarding implementation of the HB 2950 provisions by January 1, 1999.

On June 11, 1998, KDHE conducted a public meeting to obtain input from the livestock industry, trade associations representing the livestock industry in Kansas, environmental groups, governmental officials, the U.S. Environmental Protection Agency, the general public, and other state and federal agencies as to what they wanted to see addressed in the proposed regulations that would be required to implement HB 2950.

During the development phase of the draft regulations, a preliminary draft of the regulations were presented to and discussed with the Secretary's Swine Facility Advisory Committee on July 30 and August 4, 1998 to receive their input.



The draft regulations, regulatory impact statement, and scheduled public hearings were public noticed in the Kansas Register on August 27, 1998. KDHE staff met with the Kansas Legislature Joint Committee on Administrative Rules and Regulations (Joint Committee) on September 9 and 18 and October 6, 1998 to discuss the draft regulations. These meetings resulted in a letter from the Joint Committee to KDHE dated October 7, 1998, summarizing their comments and concerns.

During the public notice period, KDHE received thirty (30) written comments regarding the proposed regulations. A total of four public hearings were conducted statewide in Manhattan, Iola, Hays, and Garden City on the afternoons/evenings of October 26 and 28, 1998. The transcripts, attendance records, and materials presented to KDHE at the hearings are available upon request. A total of 91 individuals participated in the public hearings and 23 people made oral presentations and/or written comments to KDHE.

Secretary Gary R. Mitchell formally adopted and submitted the regulations, KAR 28-18-1 through 28-18-15 and KAR 28-18a-1 through 28-18a-32 to the Joint Committee on Administrative Rules and Regulations on December 11, 1998.

Program Strategies:

Hiring of New Staff: The 1998 Legislature allocated 11.5 new Full Time Equivalent (FTE) positions and \$558,700 to assist in the implementation requirements of the statutory mandates required within HB 2950. After a comprehensive program analysis, KDHE staff developed a strategic plan to outline a roadmap for delivery of the newly adopted requirements. The plan identified several key areas that required change for the enhanced program delivery requirements. Key components within the plan included Data Management, Equipment, Monitoring Program, Internal and External Customer Training/Education, and Implementation/Guidance Manuals. The key elements were utilized in the evaluation of staffing allocations of the 11.5 FTE's. The following tables identify the position descriptions and locations of new Livestock Waste Management Program staff:

Position Description	Location
Professional Environmental Engineer I	North Central District (Salina)
Professional Environmental Engineer I	Southwest District (Dodge City)
Environmental Technician III	South Central District (Wichita)
Environmental Technician III	Northwest District (Hays)
Environmental Technician III	Southeast District(Chanute)
Office Assistant III	Southwest District (Dodge City)
Professional Environmental Engineer II	Central Office
Environmental Scientist III	Central Office
Environmental Geologist I	Central Office
Environmental Technician IV	Central Office

Position Description**Location**

Office Specialist	Central Office
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* 0.5 FTE position will provide System Software Analyst - Statewide

The Central Office organizational chart referenced in Appendix B, will consist of two core units, a technical support unit and an implementation/training unit. The technical unit mission is to address design review problems encountered in the district offices, prepare technical review concurrence documents on permits receiving comments, preparing technical bulletins to transfer new technologies to the district staff and to assist in maintenance of the design standards and regulations. The implementation unit mission is to develop and maintain program guidance manuals that provide clear concise direction on programmatic issues, continual in-field training for new employees and to ensure consistent program implementation is occurring statewide. In addition, this unit will assist in temporary overload work areas, develop and administer the ground water monitoring program components for swine facilities, statutorily required to install wells, and conduct training seminars for internal and external customers on multiple program related issues.

Staff Training: Staff Training is a key element to provide the ability for KDHE to meet the expectations outlined in HB 2950. KDHE administrative staff have identified the following priority areas for training needs:

- ◆ HB 2950
- ◆ Newly adopted Kansas Administrative Regulations
- ◆ Implementation Training Reference Manual
- ◆ Windows NT Operating Systems
- ◆ Lotus Notes Communication Systems
- ◆ New Livestock Waste Management Database

Training efforts began in middle May of 1998. The first phase training effort was to involve the management staff at the District Offices in the process of developing guidance as well as training district level managers on the complex components of the law and how it relates to the Livestock Waste Management Program.

Guidance Manual:

This Central Office, Bureau of Environmental Field Services, and District Environmental Administrators workgroup developed the initial working manual for KDHE staff to utilize as a reference document for the complex new rules for the swine industry. The Livestock Waste Program training manual is attached in Appendix C. It is the vision of the section to enhance the Internet site of the KDHE to include the Manual and applicable information and links with search menu option functions. KDHE gathered the entire LWM implementation team in Salina on November 19 and 20, 1998 to conduct an open dialog/training of the Draft Manual in its entirety. Draft Manuals were distributed to all staff and input received during the training session was documented and incorporated when applicable or consistent with the administrations mission.

Database:

The following section previews the overhaul and components of the new data management system. The first training session for district staff occurred December 2 and 3, 1998 where Windows NT and a database overview was given. The December training sessions were conducted in the computer training lab located at Forbes Field, Topeka. Upcoming/ongoing training will include Lotus Notes and multiple in-office one-on-one assistance sessions to increase the working knowledge/comfort level of LWM staff. The database will have a live link to the Kansas Department of Agriculture for input of Nutrient Utilization Plan components and facility information access. In summary, tremendous commitments have been made by the agency, not only to develop the system, but to ensure the opportunity for successful implementation.

Livestock Waste Management Database Introduction

The existing Feedlot system was analyzed for year 2000 compliance during the fall of 1997. The system was designated as non-compliant with a failure date of 01/1999. As the Year 2000 Readiness Assessment was finishing up, a decision was made to replace the Feedlot Application as opposed to the remediation of it. The decision was driven by the legislature wanting to insure that Year 2000 budget appropriations were expended in the most sensible fashion.

The recent legislation required specific technology enhancements to the Feedlot system for swine facilities. This included the ability to publish information on the Internet. This functionality will be incorporated by the January 1, 1999 legislation effective date.

This section of the report presents the detail design of the Feedlot Permitting System for the Livestock Waste Management Program (LWMP), Bureau of Water and Bureau of Environmental Field Services (BEFS). This design is the result of input from the following:

- ◆ Central Office Staff
- ◆ District Environmental Administrators
- ◆ District Water Engineers
- ◆ District Environmental Technicians

The System was defined to utilize and enhance existing functions which include:

- ◆ Facility information
- ◆ Site Appraisal information
- ◆ Permitting/Certification information
- ◆ Inspection information
- ◆ Reporting abilities



The requirements of legislation to place certain documentation on the Internet was included in the system expansion. In addition, based on management direction, the system was defined to provide the following capabilities:

- ◆ System Controls
- ◆ Enforcement Tracking
- ◆ Correspondence History
- ◆ File Tracking(Barcoding)
- ◆ Complaints

The combination of these functions provide a comprehensive and technology based package for LWMP and BEFS.

Livestock Waste Management Database Workflow

Analysis of the feedlot system and its corresponding work flows, provided the information necessary to determine the functional steps required to develop the proposed system. A flowchart has been used to show the overall system processes. Each function within the overall process is listed below and will be described in detail on the following pages.

Function	Description
Application/Registration	Data entry of facility and animal information
Site Appraisal	Entry of site appraisal information
Plan Documentation	Establish and collect documentation needed for plan
Plan Review/Approval	Review of plan and documentation for completeness
Public Comments	Collection of information during public comment
Public Hearing	Information needed for public hearings
Certifications	Preparation of certifications
Permits	Preparation of permits
Inspections	Print inspection form and data entry
Enforcement	Follow up processes to ensure compliance of permit
Nutrient Testing	Entry of soil and water well test results
Correspondence tracking	History of correspondence prepared by system
File Request	Electronic requesting and tracking of permit files
Invoice	Billing and payment processing

Function	Description
Reports	Reporting system access
Renewal	steps necessary to process a permit renewal
Expansion	Special facility expansion processing
Controls	Control table information
Complaints	Complaint tracking and processing

The following descriptions outline subsequent pages and the abridged version pictorial tour of the Livestock Waste Management Database.

Main Menu:

Figure 1 is the main menu of the livestock waste management program database. From this area all functions of the database can be accessed.

Permits:

Figures 2 and 3 are screen views of the database permit utility. This process creates the draft permit in the district. This permit can be modified when the final permit approval is received. After the permit issued date is entered, the system will not allow the permit information to be updated.

Inspections:

Figures 4 and 5 show actual screen views of the inspection utility of the LWMP database. Frequency of the inspection will be based on legislation and the size of the facility in combination with the animal type. When the permit is issued, the next inspection date will be established based on the permit issued date. For ongoing inspections, the next inspection date will be updated by adding the inspection frequency to the inspection date. The technician will have the ability to request an inspection form for a particular facility. Information entered on the form during the inspection will be keyed into the system. This will be used to produce an inspection notification letter to the facility. Compliance issues will be documented into the system for follow-up and/or enforcement.

Reports:

Figures 6 and 7 illustrate the reporting capability of the LWMP database. The system will display a menu of reports to be selected on request. Some of these reports will have the ability to make selections on specific information (i.e. animal types, district and facility size).

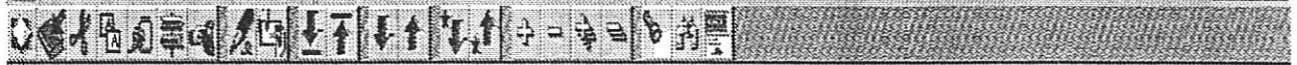
The following illustrations display graphic views that may further illustrate the format and data use abilities through personal computer applications.



Feedlot Permitting - Facilities - Lotus Notes Desktop										
File Edit View Create Actions Window Help										
Feedlot Permitting Main Menu	ID	Name	Address	City	State	Region	Telephone	Zip	Legal Desc	Dir
	10000	BORNHOLDT FARMS (JAMES)	272 CIMARRON	INMAN	KS	NC	316.5852105	67546 SE 28 20S 05W		
	10001	BURCHE, WILLIAM	ROUTE 1, BOX 107	MORAN	KS	SE		66755 NE 26 25S 21E		
	10002	CANTRELL, CARLOS	ROUTE 1	ELSMORE	KS	SE		66732 SE 08 26S 20E		
	10003	COLGIN, DAVID	P.O. BOX 15	MILDRED	KS	SE		66035 NW 31 23S 21E		
	10004	DAY, CHARLES	ROUTE 2	MORAN	KS	SE		66755 SE 10 25S 21E		
	10005	JAY, JOHN	RURAL ROUTE 3	IOLA	KS	SE		66749 NW 10 25S 18E		
	10006	KORTE, LOREN	ROUTE 1	LAHARPE	KS	SE		66751 NE 01 26S 19E		
	10007	LUCLUM, WILBURN	RURAL ROUTE 1	MORAN	KS	SE		66755 NW 19 24S 20E		
	10008	MOORE, CHESTER	RURAL ROUTE 3	IOLA	KS	SE		66749 SE 16 25S 18E		
	10009	SHAFFER, HARRY	RURAL ROUTE 2	IOLA	KS	SE		66749 SW 07 24S 19E		
	10010	TOLLE, DRENNAN	ROUTE 1, BOX 211	MORAN	KS	SE		66755 SE 30 24S 21E		
	10011	BLAUFUSS, TOM	ROUTE 3	GARNETT	KS	SE		66032 NW 22 20S 18E		
	10012	BONTRAGER, LARRY	ROUTE 1 - BOX 61	WELDA	KS	SE		66091 SW 18 21S 19E		
	10013	COLLINS, CHARLES	ROUTE 1	WILLIAMSBURG	KS	SE		66095 SE 19 19S 18E		
	10014	GOODWINE, CARL	ROUTE 1	WELDA	KS	SE		66091 28 21S 19E		
	10015	GORDON, WAYNE FARMS	ROUTE 3	GARNETT	KS	SE		66032 SE 11 20S 17E		
	10016	HERMPECK, BROWNIE	ROUTE 3	GARNETT	KS	SE		66032 NW 29 19S 18E		
	10017	HERSCHBERGER, NOAH	RURAL ROUTE 1	WELDA	KS	SE		66091 NE 15 21S 18E		
	10018	KATZER, STEVEN	ROUTE 3	GARNETT	KS	SE		66032 NE 14 20S 19E		
	10019	MILLER WISE DAIRY	ROUTE 3, BOX 117	GARNETT	KS	SE		66032 SW 01 20S 17E		
	10020	LUTZ, JAMES	ROUTE 2	WESTPHALIA	KS	SE		66093 NW 06 21S 18E		
	10021	NILGES, BERNARD	ROUTE 2	WESTPHALIA	KS	SE		66093 N2 09 21S 18E		
	10022	PINNEO, HENRY	RURAL ROUTE 2	KINCAID	KS	SE		66039 NE 07 22S 21E		
	10023	RITFEY, HOMER	ROUTE 2	WESTPHALIA	KS	SE		66093 NE 33 20S 18E		
	10024	YODER, LEON	ROUTE 1	WELDA	KS	SE		66091 SE 12 21S 18E		
	10025	BALES FARM	RURAL ROUTE	WISCONSIN	KS	NE		66058 35 06S 17E		
	10026	GILKISON, RICHARD				NE		26 06S 17E		
	10027	HEINOLD HOG MARKET	ROUTE 1, BOX 12	EFFINGHAM	KS	NE		66023 16 06S 18E		
	10028	WALLINGFORD, KENNETH	ROUTE 2	EFFINGHAM	KS	NE		66023 32 06S 19E		
	10029	WILSON, WILLIAM				NE		21 06S 17E		
	10030	WENZEL, ERICH				SW		SW 02 32S 10W		
	10031	ALSFELMIS, ARIANE	RURAL ROUTE 1, BOX	GARLAND	KS	SE		66741 SW 08 27S 25E		

Feedlot Permitting - Facilities - Lotus Notes Desktop

File Edit View Create Actions Window Help



Create Facility Print Document Print View Help

ID	Name	Address	City	State	Region	Telephone	Zip	Legal Desc	Disc
10000	BORNHOLDT FARMS (JAMES)	272 CIMARRON	INMAN	KS	NC	316 5852105	67546	SE 28 20S 05W	
10001	BURCHE, WILLIAM	ROUTE 1, BOX 107	MORAN	KS	SE		66755	NE 26 25S 21E	
10002	CANTRELL, CARLOS	ROUTE 1	ELSMORE	KS	SE		66732	SE 08 26S 20E	
10003	COLGIN, DAVID	P.O. BOX 15	MILDRED	KS	SE		66055	NW 31 23S 21E	
10004	DAY, CHARLES	ROUTE 2	MORAN	KS	SE		66755	SE 10 25S 21E	
10005	JAY, JOHN	RURAL ROUTE 3	IOLA	KS	SE		66749	NW 10 25S 18E	
10006	KORTE, LOREN	ROUTE 1	LAHARPE	KS	SE		66751	NE 01 26S 19E	
10007	LUDLUM, WILBURN	RURAL ROUTE 1	MORAN	KS	SE		66755	NW 19 24S 20E	
10008	MOORE, CHESTER	RURAL ROUTE 3	IOLA	KS	SE		66749	SE 16 25S 18E	
10009	SHAFFER, HARRY	RURAL ROUTE 2	IOLA	KS	SE		66749	SW 07 24S 19E	
10010	TOLLE, DRENNAN	ROUTE 1, BOX 211	MORAN	KS	SE		66755	SE 30 24S 21E	
10011	BLAUFUSS, TOM	ROUTE 3	GARNETT	KS	SE		66032	NW 22 20S 18E	
10012	BONTRAGER, LARRY	ROUTE 1 - BOX 61	WELDA	KS	SE		66091	SW 18 21S 19E	
10013	COLLINS, CHARLES	ROUTE 1	WILLIAMSBURG	KS	SE		66095	SE 19 19S 18E	
10014	GOODWINE, CARL	ROUTE 1	WELDA	KS	SE		66091	28 21S 19E	
10015	GORDON, WAYNE FARMS	ROUTE 3	GARNETT	KS	SE		66032	SE 11 20S 17E	
10016	HERMPECK, BROWNIE	ROUTE 3	GARNETT	KS	SE		66032	NW 29 19S 18E	
10017	HERSCHBERGER, NOAH	RURAL ROUTE 1	WELDA	KS	SE		66091	NE 15 21S 19E	
10018	KATZER, STEVEN	ROUTE 3	GARNETT	KS	SE		66032	NE 14 20S 19E	
10019	MILLER WISE DAIRY	ROUTE 3, BOX 117	GARNETT	KS	SE		66032	SW 01 20S 17E	
10020	LUTZ, JAMES	ROUTE 2	WESTPHALIA	KS	SE		66093	NW 06 21S 18E	
10021	NILGES, BERNARD	ROUTE 2	WESTPHALIA	KS	SE		66093	N2 09 21S 18E	
10022	PINNEO, HENRY	RURAL ROUTE 2	KINCAID	KS	SE		66039	NE 07 22S 21E	
10023	RIFFEY, HOMER	ROUTE 2	WESTPHALIA	KS	SE		66093	NE 33 20S 18E	
10024	YODER, LEON	ROUTE 1	WELDA	KS	SE		66091	SE 12 21S 18E	
10025	BALES FARM	RURAL ROUTE	MUSCOTAH	KS	NE		66058	35 06S 17E	
10026	GILKISON, RICHARD				NE		26 06S 17E		
10027	HEINOLD HOG MARKET	ROUTE 1, BOX 12	EFFINGHAM	KS	NE		66023	16 06S 19E	
10028	WALLINGFORD, KENNETH	ROUTE 2	EFFINGHAM	KS	NE		66023	32 06S 19E	
10029	WILSON, WILLIAM				NE		21 06S 17E		
10030	WENZEL, ERICH				SW		SW 02 32S 10W		
10031	ARISFELIS, ARI FNE	RURAL ROUTE 1 BOX	GARLAND	KS	SE		66741	SW 18 27S 25E	

Feedlot Permitting
New/Renew Menu

- New/Renew Permit**
- Facilities
 - Appl/Hen/Exp
 - Site Appraisal
 - Plan Documents
 - Plan Approval
 - Public Comments
 - Public Hearing
 - Concurrence Status
 - Issue Cert/Perm

- Maintain Issued Permits
- Expansion
- Correspondence Tracking
- Reports
- Administration
- File Requests
- Entities

Home Help

Opens View: FLPSVFAE

Office

Maintain Facilities - Lotus Notes Desktop

File Edit View Create Actions Section Window Help

Save Save & Close Close Print Help

Kansas Department of Health and Environment
Local Planning

Facility

Facility ID: 10000 Facility Type: AGRICULTURAL

Facility Name: BORNHOLDT FARMS (JAMES)

Legal Description: Quarter: SE Section: 28 Township: 20S Range: 05W

Address

Location Information:

Address: 272 CIMARRON
 City: INMAN
 Zip: 67546
 Ext Zip:
 Telephone: 3165852105
 E-mail Address:
 Directions:

Postal Address

Admin Information:

Salutation:
 First Name: GENE
 Last Name: SALTZMAN
 Title: Owner
 Facility Area: NC

This is the protected text area of the form.

[None] Office

Feedlot Permitting - Inspections - Lotus Notes Desktop

File Edit View Create Actions Window Help

Create Inspection Print View Print Basic Insp Help

Feedlot Permitting
Maintain Issued Permits

New/Renew Permit
Maintain Issued Permits
 Inspections/Enforcements
 Soil Nutrient Testing
 Water Nutrient Testing
 Invoices
 Complaints
 GPS Information

Expansion
 Correspondence Tracking
 Reports
 Administration
 File Requests
 Entities

Home Help

District	Facility Name	Permit No.	Co.	FollowUp	Inspection Info
▼ SPRINGER, DALE		A-VEMG-H009	MG		Inspection Date 10/28/98 Compliance - 000015
▼ SPRINGER, LEE		A-VEMG-H002	MG		
		A-VEMG-S037	MG		
▼ SPRINGER, LEE (#2 SOW FARM)		A-VEMG-S040	MG		
▼ SPRINGER, D.K.		A-VEMG-MAD2	MG		
▼ SQUEELER DEALER FARMS		A-NEAL-S011	AL		
▼ STAFFORD BROS. HOG MARKET		A-MCBB-SAD2	BB		
▼ STAFFORD, RANDY D.		A-VEHG-S001	NO		
▼ STAINBROOK, DONALD		A-MCLN-S019	LN		
▼ STAINBROOK, JAMES		A-MCLN-S018	LN		
▼ STAINBROOK, ROBERT		A-MCLN-S006	LN		
▼ STAINBROOK, WILBUR		A-MCLN-S005	LN		
▼ STEANSON, D.L.		A-NELB-S006	LB		
▼ STEPHENS, DON		A-VEGW-S010	GW		
▼ STERLING, MERLE		A-NEAL-S012	AL		
▼ STEWARD, GEORGE E.		A-MCCF-S006	CF		
▼ STICH, WILLIAM A		A-NEHG-S002	NO		
▼ STINSON, DALE		N-MCLY-5298	LY		
		N-MCLY-5363	LY		

Office

Maintain Inspection - Lotus Notes Desktop

File Edit View Create Actions Text Window Help

Save Save & Close Close Print Help

Kansas Department of Health and Environment

Inspection/Enforcement

Permit Number:	A-VEMG-H009	Record Type:	Permit
Date Received:	05/22/96	Record Status:	Active
KS Animal Units:	1640.00	Units Range:	1000-4999

Facility ID	8445	SPRINGER, DALE ROUTE 4, BOX 261 INDEPENDENCE, KS 67301	Legal Desc:	NW 23 31S 15E
			Region:	SE
			County:	MG

▼ **Inspection Information**

Inspection Date:	10/28/98	Inspection Type:	Compliance
Person Contacted:	owner	Samples Taken?:	N
Inspected by:	Ron Tucker	Samples Split?:	N
Compliance Issues?:	N	Enforcement Priority:	Low
Next FollowUp Date:		Inspection Letter Sent:	11/12/98
Latest FollowUp Date:		Inspection Deadline:	11/12/99

Site Conditions: # Cool, dry

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[None] Office

Feedlot Permitting - Permits by District - Lotus Notes Desktop

File Edit View Create Window Help

Create Print Document Print View Help

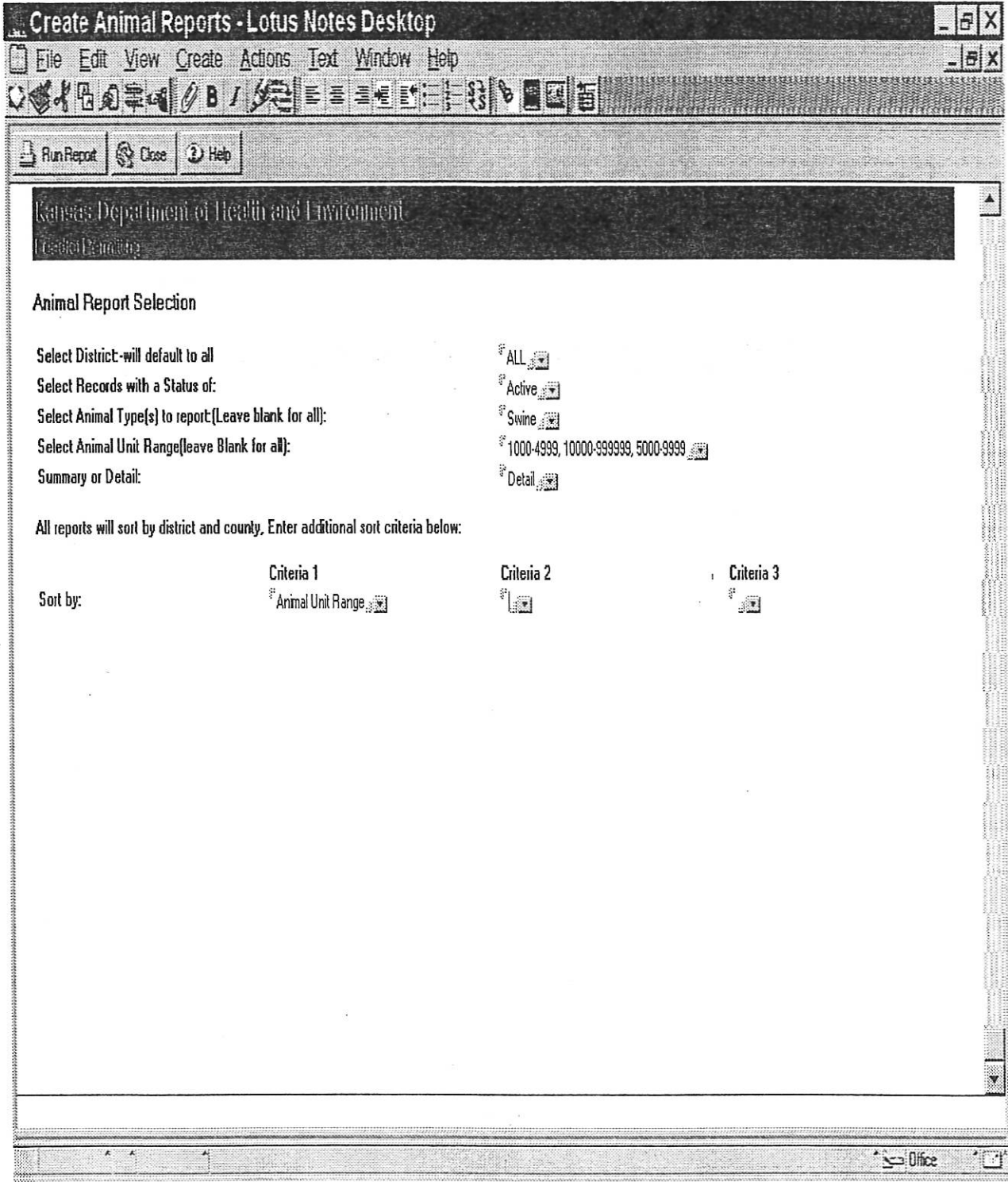
Feedlot Permitting Correspondence

- New/Renew Permit
- Maintain Issued Permits
- Expansion
- Correspondence Tracking
- Reports**
 - Permits By District
 - Permit Reports
 - Animal Reports
 - Inspection Reports
 - HUC Reports
- Administration
- File Requests
- Entities

Home Help

Region	Count	Name	Address	City	State ID	Telephone	Zip	Mail Ad
▼ NC	15,23							
		2-K DAIRY						
		2-B RANCH						
		2-B RANCH						
		2-B RANCH						
		2-F RANCH						
		3-B CATTLE COMPANY						
		3-F RANCH						
		3-MK PORK, LLC						
		3-MK PORK, L.L.C.						
		4-J DAIRY						
		5-G RANCH						
		A & D CATTLE CO. LLC						
		A & D CATTLE CO. LLC						
		A & L FEEDERS						
		ABELDT, LARRY						
		ABRAM & CLARK FEEDLOT						
		ACKER, JERALD						
		ADAMS FARMS						
		ADAMS, DOUGLAS A.						
		ADAMS, JERRY D.						
		ADEE, EVAN						
		ADE, DALE & NORBERG, LARRY						
		ADE, RODNEY						
		ADWELL, LERDY A.						
		AFFOLTER, DAVID B.						
		AKER, DAN						
		ALDERMAN LIVESTOCK CORP.						
		ALLISON, DARRELL						
		ALLISON, DEAN						
		ALQUIST, KEITH						
		AMES, EDWARD I.						

Office



Equipment:

The database referenced above requires a 100 Megahertz or greater processor and at least 32 MG of RAM. The entire program staff had inadequate equipment necessary to utilize the system. The agency purchased new or upgraded all systems used in the Livestock Waste Management Program to establish a working platform for all users as required by the system.

Compliance Workshops:

KDHE staff are currently working with Kansas State University(KSU), Kansas Department of Agriculture, and Industry representatives to address external customer training needs. The two areas of focus are Existing Swine Facility Compliance and Swine Facility Operator Certification. The projected timelines for the workshops are late February and April respectively. The workshops will be conducted in multiple locations and will be staffed by multiple agency representatives.

Producers will receive informational packets approximately 30 days prior to the workshops with the necessary information for statutory compliance and an announcement of the workshop subjects, times, dates, and locations.

Research Efforts:

The first phase of the KSU study of earthen lagoons for containment of animal waste, partially funded through KDHE and the State Water Plan, has been completed. Results provided in the study, coupled with a review of the literature, suggests conclusive evidence that laboratory tests of a wide variety of Kansas soil types indicate the soils can meet engineering standards for acceptable use as an impermeable liner for animal waste containment. Additionally water balance testing of a limited number of existing animal waste lagoons indicates the ¼ inch per day maximum allowable leakage rate is obtainable using current design and construction techniques. The study also reflects that even lower seepage rates can be achieved with appropriate design and construction considerations.

Questions remain regarding the impacts of animal waste containment lagoons on Kansas groundwater quality. The groundwater sampling conducted has not indicated any widespread nitrate contamination as a result of concentrated livestock feeding operations. However, the limited data and the numerous site specific factors which can affect seepage, groundwater movement and pollutant attenuation preclude any definitive conclusion or definition of the relationships of each of the key design/construction considerations in establishing standards or requirements. The relationship between groundwater resource and use; probable seepage rates; and pollutant concentration can be identified as likely key relationships which should be defined. Additional study should be considered if Kansas's deem it to be critical that the key relationships be defined.

KDHE intends to utilize the information provided in the completed study and any additional studies to further refine or upgrade existing minimum design standards, regulations, and policies regarding livestock waste management in regards to permitting and protection of the waters of Kansas.

The following letter addressed to Dr. Marc Johnson, Dean of Agriculture, KSU, requests assistance to pursue efforts to address Odor Management, Best Management Practices (BMP), and Best Available Technologies (BAT). The agency will continue to pursue the above mentioned effort for long-range solutions.



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

December 7, 1998

Dr. Marc Johnson
Dean of Agriculture
Kansas State University
115 Waters Hall
Manhattan, KS 66506-4008

Dear Dr. Johnson:

The Kansas Department of Health and Environment (KDHE) has been actively pursuing implementation efforts of House Bill 2950, which primarily addresses the swine industry in Kansas, and the management of waste and odors generated by large production facilities. One specific provision in the newly adopted law pertains to odor and development of technologies and management practices for the reduction and/or abatement of odors.

The KDHE requests your assistance in developing an odor management strategy for Kansas that will focus primarily on agricultural facilities. Goals of the strategy may include development of a Best Management Practice (BMP) catalog, a Best Available Technology (BAT) catalog, queries of existing research, definition of existing research needs, economic implications related to implementation of practices, and the list goes on. The KDHE would like to arrange a time in which we could meet with appropriate researchers from KSU to discuss several issues, i.e., Who should be involved in the development?; Is there a human health risk associated with odor?; Are industries/CAFO's emitting unacceptable levels of air borne odor contaminates?)

The KDHE is committed as a result of concerns expressed by citizens and the legislature to actively pursue odor abatement activities. We would like to work in partnership with Kansas State University to address these issues. Please respond if you, and appropriate staff, are interested in participating in a brainstorming session to potentially develop a "scope of work" for research needs to address this challenging issue. Thank you for your interest and cooperation.

Sincerely,

Gary R. Mitchell
Secretary

cc: Bill Graves, Governor
Allie Divine, Sec. of Agriculture
Ron Hammerschmidt, Director of Environment
Jan Sides, BAR
KDHE Swine Advisory Committee

2-19

Evaluation:

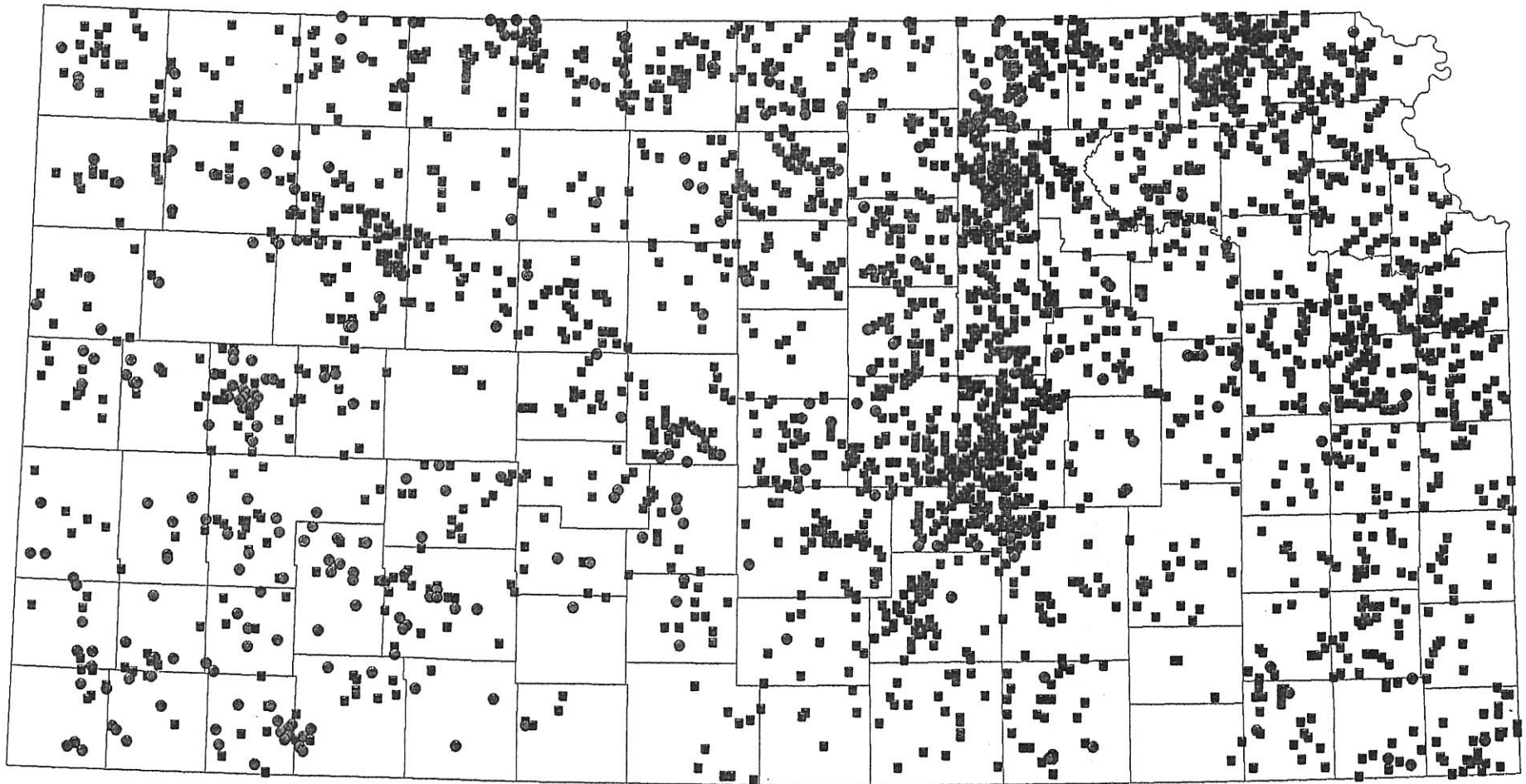
KDHE staff will continually analyze program outcomes with the expectations of 100% compliance with Statutorily defined requirements and refocusing of administrative program priorities. Evaluation of the program accomplishments will take into account intense learning curves and deployment of data-system software. Multiple evaluation techniques were designed into the Livestock Waste Management Program database. Examples include computer automated notification of what facilities need to be inspected, when they need inspected, email notification when statutory timeline requirements are nearing, secondary notifications to supervisors prior to non-compliance dates, etc.

Conclusion:

Calendar year 1998 has brought about many new challenges to the KDHE. The department is pleased to report that the Kansas Administrative Regulations, as required by statute, were developed and adopted December 11, 1998. Funding was appropriated on June 18, 1998 to provide for new program staffing assistance for implementation of HB 2950. A strategic plan was developed to address the requirements of the HB 2950 along with an enhanced roadmap for program delivery. Position descriptions were developed in June and July of 1998 and were followed by vacancy announcements, interviews and hiring. After completion of those tasks, related staff were acquired and are currently in place or have been offered. The computer data-system evolved from a conceptual plan in early May through engineering, development, testing, and trouble-shooting to a final district level deployment in early January of 1999. KDHE has worked with Kansas Department of Agriculture providing access and links to the newly developed database and on coordination issues in relation to joint responsibilities for swine facilities. Training will continue to occur for internal staff as well as outreach efforts to the regulated agricultural industries as an essential component of program implementation.

2-21

ALL FACILITIES WITH A LIVESTOCK WASTE MANAGEMENT PERMIT



DATA SOURCES:

Livestock Waste Management Facilities :KDHE 12/98

Political Boundaries: KCDB/KGS

KDHE BOW/OIS Dec. 1998 DRAFT



Animal Units (3002 Facilities)

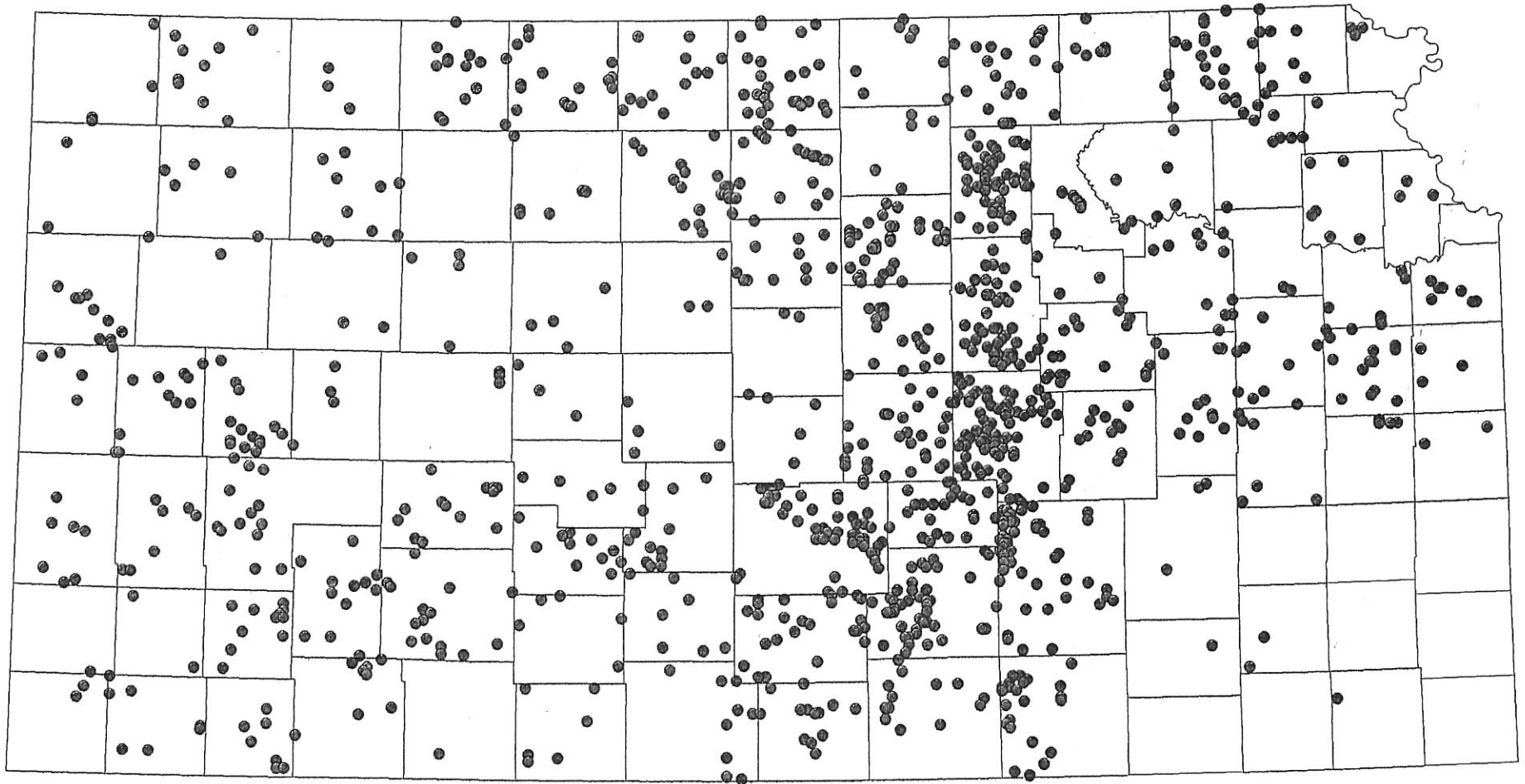
■ 0 to 1000

● > 1000

□ County Boundaries

2-22

REGISTERED LIVESTOCK WASTE MANAGEMENT FACILITIES



DATA SOURCES:

Livestock Waste Management Facilities :KDHE 12/98

Political Boundaries: KCDB/KGS



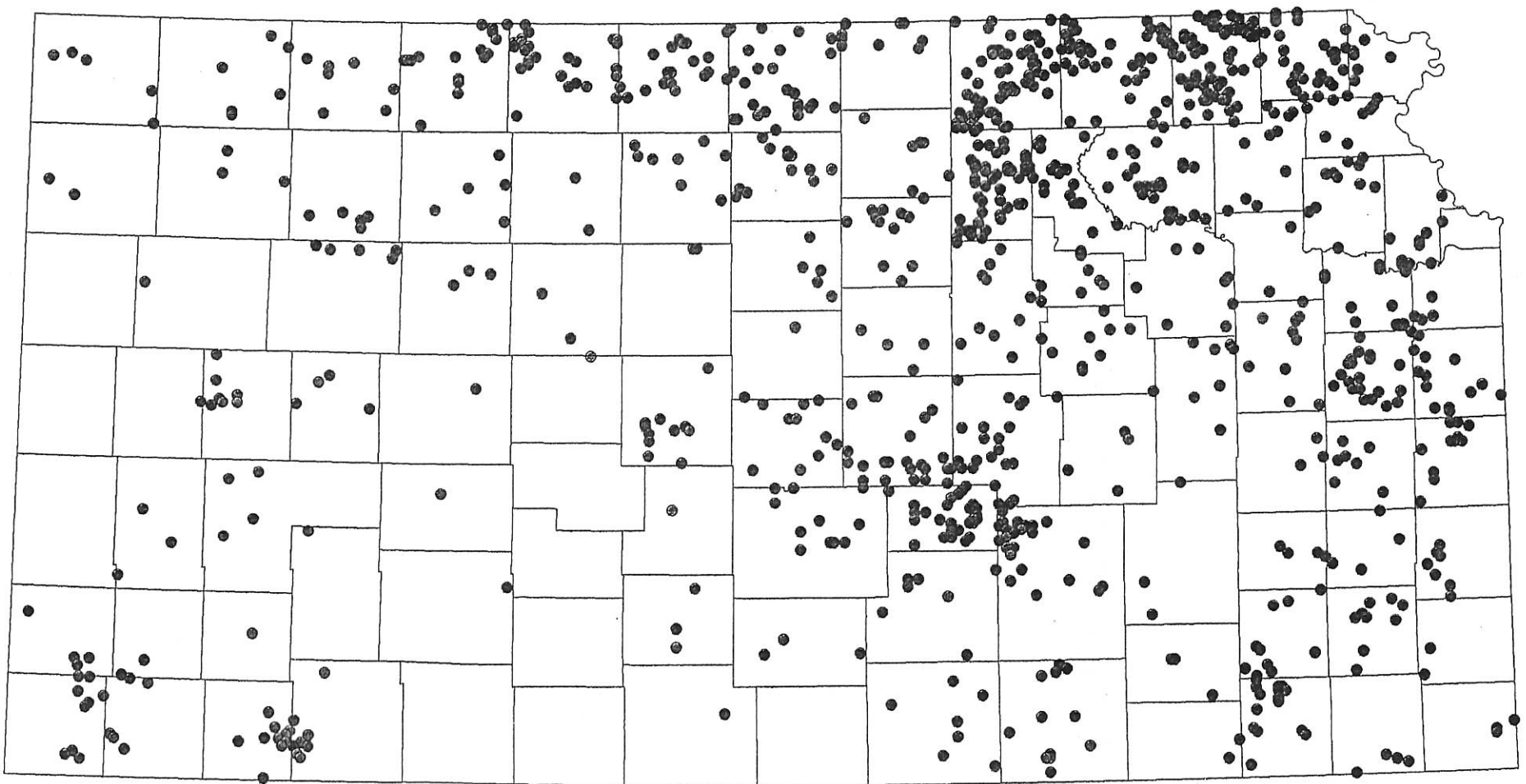
● Registered Livestock Waste Management Facilities (Count - 1165)

□ County Boundaries

KDHE BOW/OIS Dec. 1998 DRAFT

2-23

ALL SWINE FACILITIES WITH A LIVESTOCK WASTE MANAGEMENT PERMIT



DATA SOURCES:

Livestock Waste Management Facilities :KDHE 12/98


Political Boundaries: KCDB/KGS

KDHE BOW/OIS Dec. 1998 DRAFT

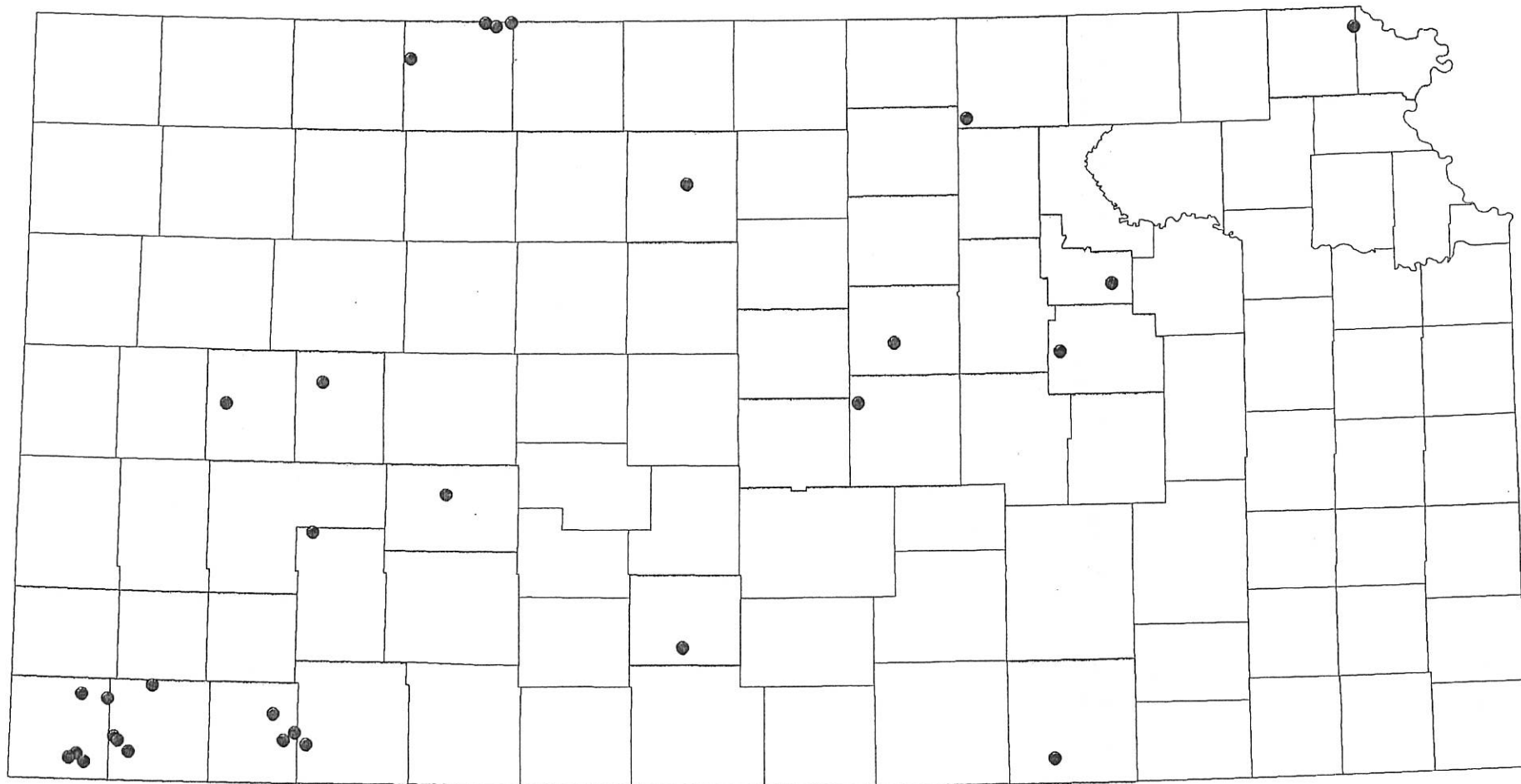


Animal Units (981 Facilities)

- < 1000
- 1000 - 3724
- > 3724

 **County Boundaries**

PERMITTED SWINE FACILITIES GREATER THAN 3724 ANIMAL UNITS



DATA SOURCES:

Livestock Waste Management Facilities :KDHE 12/98

Political Boundaries: KCDB/KGS



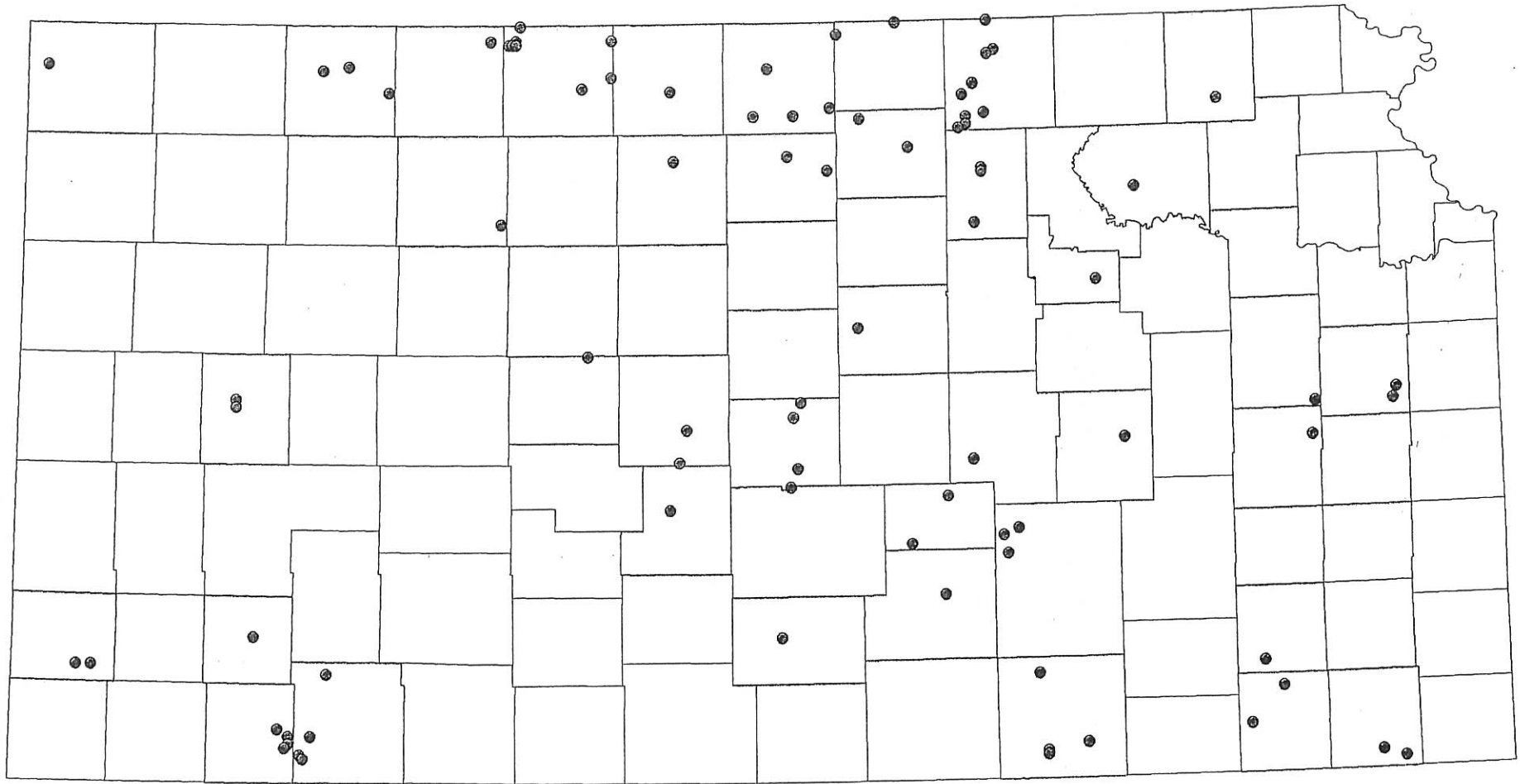
● Swine Facilities > 3724 AU (Count 31)

□ County Boundaries

KDHE BOW/OIS Dec. 1998 DRAFT

2-25

PERMITTED SWINE FACILITIES 1000 - 3724 ANIMAL UNITS





DATA SOURCES:

Livestock Waste Management Facilities :KDHE 12/98

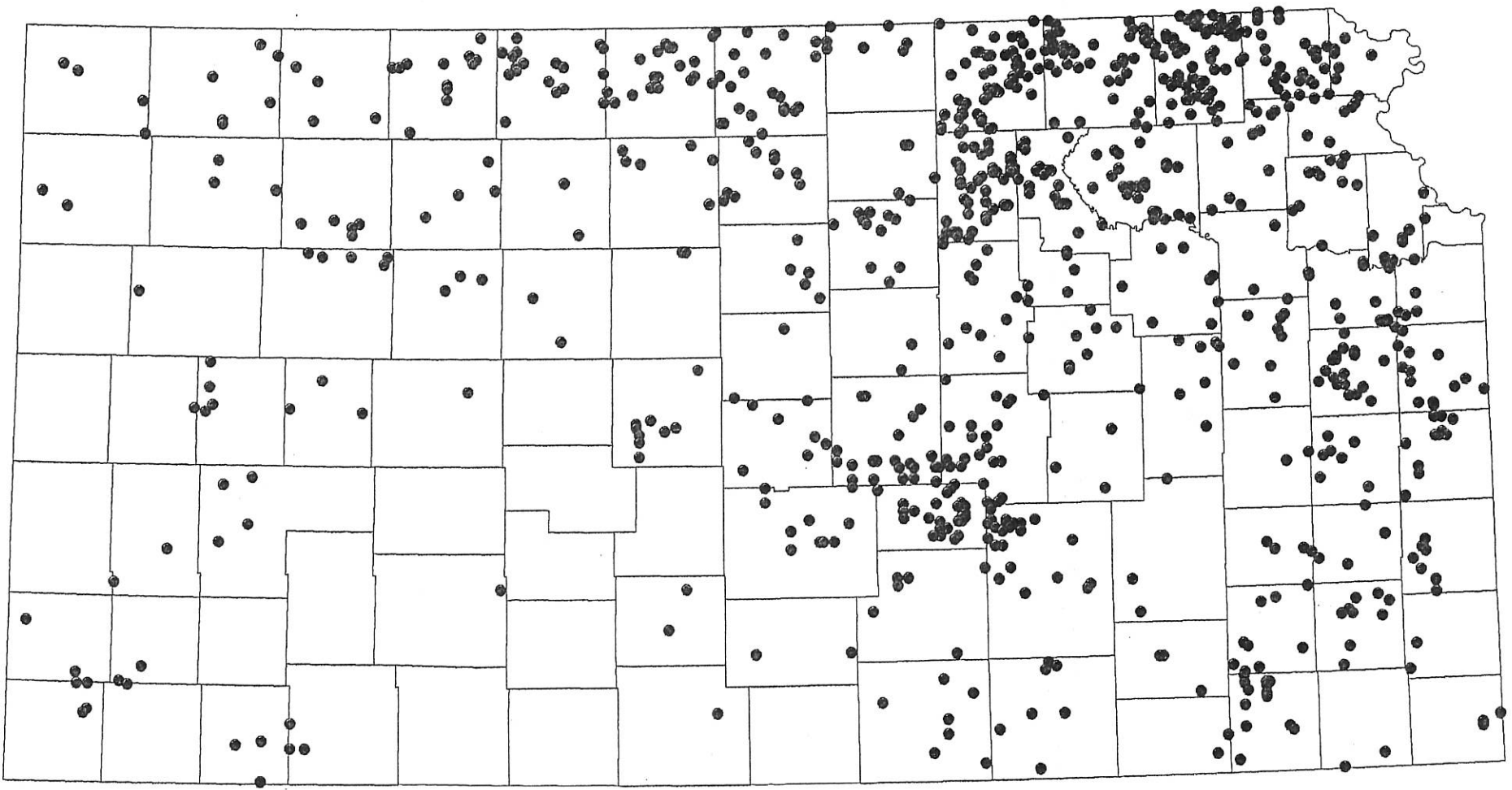
Political Boundaries: KCDB/KGS

KDHE BOW/OIS Dec. 1998 DRAFT



-  Swine Facilities 1000 - 3724 AU (Count 89)
-  County Boundaries

PERMITTED SWINE FACILITIES LESS THAN 1000 ANIMAL UNITS



DATA SOURCES:

Livestock Waste Management Facilities :KDHE 12/98

Political Boundaries: KCDB/KGS

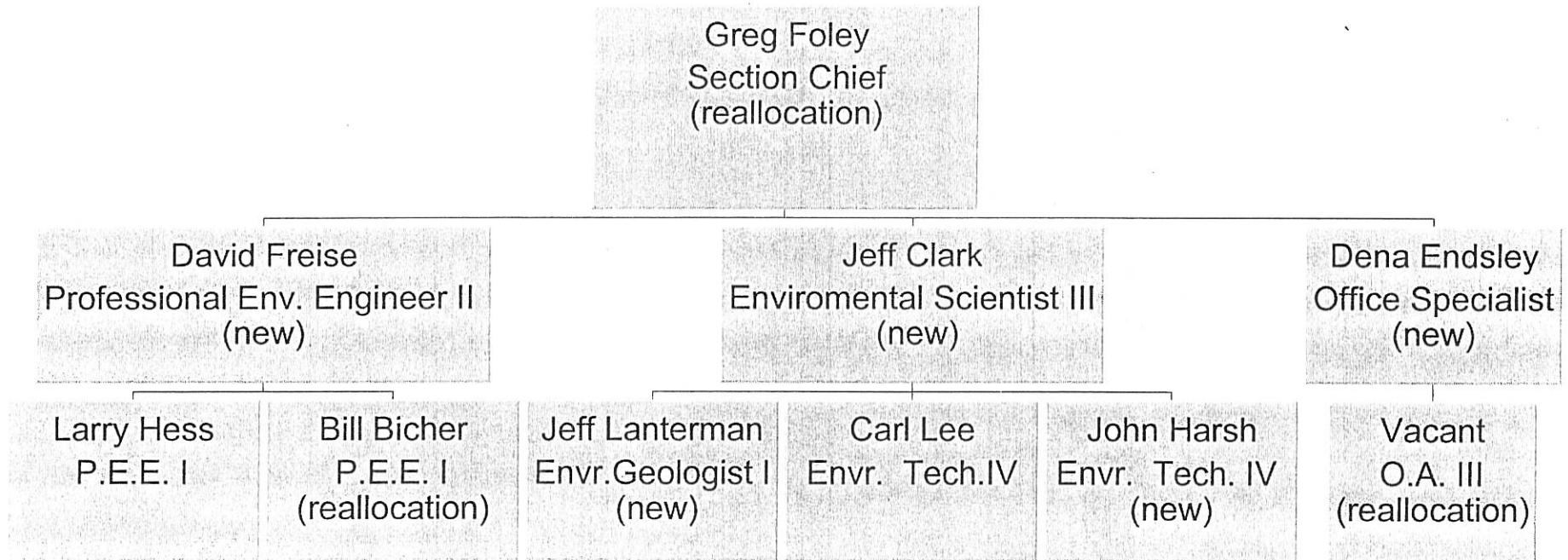


■ Swine Facilities Less Than 1000 AU (Count 861)

□ County Boundaries

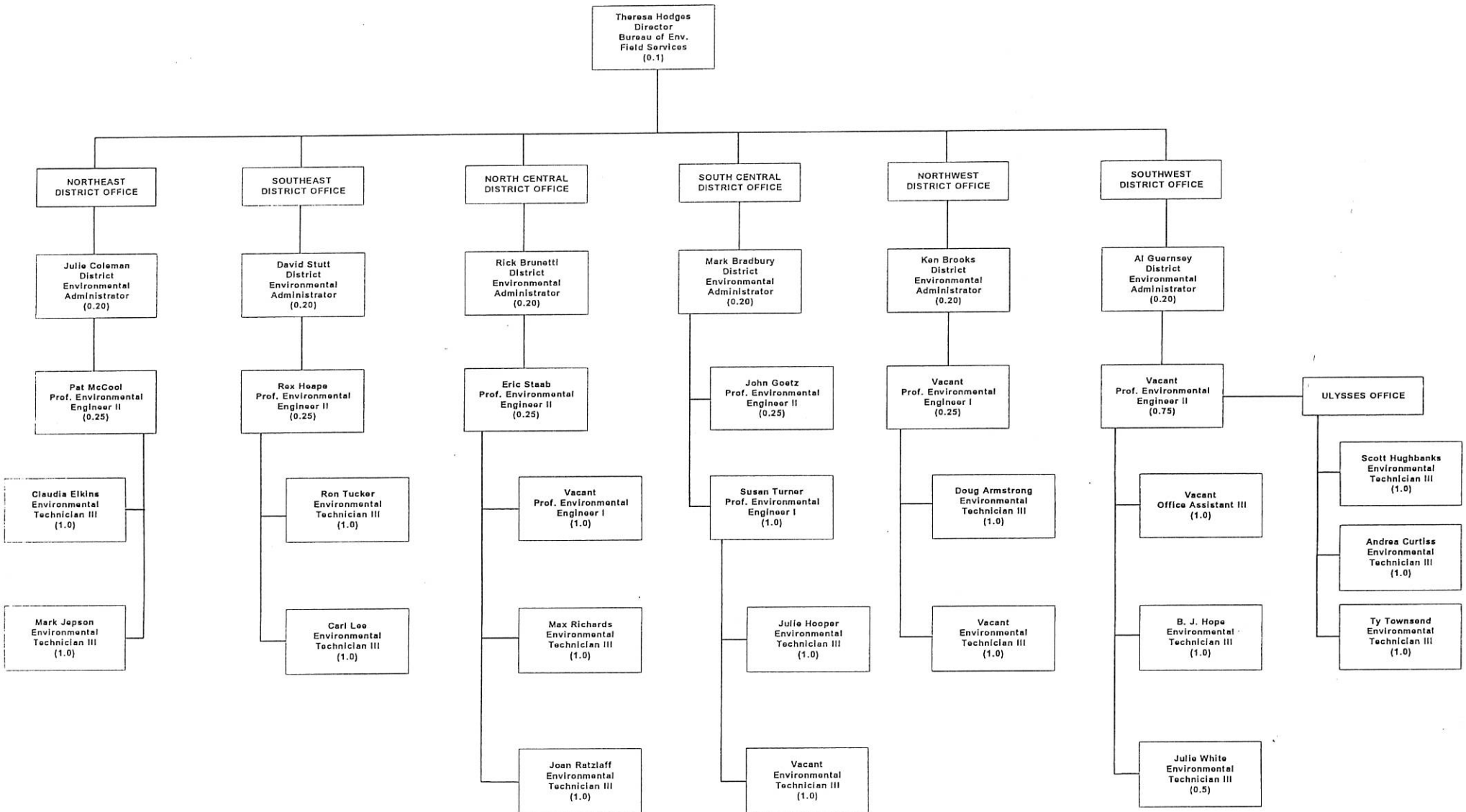
Livestock Waste Management Section Organization Chart

Central Office



2-28

CAFO STAFFING IN DISTRICT OFFICES



Evaluation

- Team Understanding of Statutes and Regulations
 - Compliance with Statutory Deadlines
 - Re-evaluation of Program Priority
 - Allow Change a “Window of Opportunity”
-

*House Environment
2-9-99
Attachment 3*

Data Management Overhaul

- Year 2000 Compliant
 - User Friendly
 - Program Management Tools
 - Reporting Capabilities
 - Equipment Upgrades and Training
-

Calendar Year 1998 Activities

- **Permitting / Inspections / Site Appraisals**
 - ▶ All federal facilities were inspected in calendar year 1998!
 - **Regulation Development and Adoption**
 - **Hiring of "2950" Staff**
 - **Training Manual Development and Delivery**
 - **Data Base Development and Deployment**
-

Livestock Waste Management Program

Mission: Work with entities involved in animal agriculture to educate and implement statutory and regulatory requirements to maintain and or achieve environmental compliance to protect the water



State Conservation Commission

109 SW 9th Street
Suite 500, Mills Building
Topeka, KS 66612-1299

Telephone: (785) 296-3600 • Fax (785) 296-6172



MEMORANDUM

February 9, 1999

TO: House Environment Committee

FROM: Tracy Streeter, Executive Director *Tracy Streeter*

SUBJECT: House Bill 2144

Madam Chairperson and members of the committee, I appear today in support of House Bill 2144 with amendments proposed by the Kansas Water Office. This bill, if passed, will enable the Multipurpose Small Lakes Program (MPSLP) to assist local entities in the renovation of existing water supply and recreation lakes.

Currently, the MPSLP Act requires all lakes to contain flood control as a component in addition to water supply and/or recreation. The flood control component is defined as the lake's storage capacity above the permanent pool level to impound flood flows equal to at least a 25 year frequency flood. Most older lakes in need of renovation do not have flood control storage and to add flood storage to these existing lakes would require the acquisition of additional land rights, including the purchase and removal of structures from private property and relocation of infrastructure (roads, boat ramps, camping areas, docks, picnic areas, etc.). Additionally, the potential exists for a lake proposal to have justifiable water supply and recreation needs, but lack the need for flood control.

Please recall last year, representatives from the Kansas Biological Survey and a Kansas dredging company testified before this committee, encouraging the state to address the sediment and associated water quality problems in our lakes and reservoirs. Sediment removal was identified as a principal means of extending the useful life of Kansas lakes while improving in-lake water quality conditions.

In addition, a number of state water agencies have reviewed opportunities to assist local entities in renovating or dredging existing lakes. In 1997, state officials reviewed a lake restoration program operating in South Dakota. Upon completion of this review, a modified Multipurpose Small Lakes Program was identified as one means of assisting local entities in the renovation of existing lakes.

The MPSLP provides up to a 100 percent grant for flood control costs, may finance up to 100 percent of the water supply costs if a future need is determined by the Kansas Water Office and up to 50 percent of the recreation costs. The water supply costs financed by the state are re-paid to the state when a water supply entity wishes to utilize the water. The following is an example of a typical application for assistance:

*House Environment
2-9-99
Attachment 4*

WPA City Lake

Constructed: 1937

Size: 100 surface acres

Uses: - Primary water supply for the city.
- Public boating, camping, fishing, etc.

Problem: - Siltation has reduced the lake's total surface acreage.
- Overall water depths diminished by 50 percent.
- Due to shallow conditions, lake is becoming consumed by vegetation.
- Principal spillway has created a dam safety issue and is need of repair.

Solution: - Remove approximately 200,000 cubic yards of sediment (This is equal to 4 feet of sediment multiplied by approximately 31 surface acres).
- Re-construct concrete spillway.

Costs: \$700,000 Sediment removal.
\$800,000 Spillway repair
\$1,500,000 Total

Probable
MPSLP * **\$375,000**
Assistance:

* This amount is determined by assigning the lake's storage to its designated uses. This project proposes to restore 124 acre feet (31 surface acres X 4 feet of depth) of storage. The lake's uses are recreation and public water supply. These uses share the available water equally. Therefore, the equation for MPSLP assistance divides the storage and restoration costs in half, \$750,000 for water supply and \$750,000 for recreation. The MPSLP provides financial assistance for water supply construction by purchasing additional storage over and above the amount needed by the city. The Kansas Water Office is responsible for determining the additional need and would hold the water right for the additional storage created. In order to use the water, the city would have to purchase the water right from the Water Office.

In this instance, the city would already possess a water right for the entire reservoir storage, thus making the state's participation in the water supply portion impossible. The MPSLP would only provide a 50 percent matching grant for the recreation portion ($\$750,000 \times .5 = \$375,000$).

In closing, I appreciate the opportunity to appear before you today to share information regarding the Multipurpose Small Lakes Program and will respond to questions from the committee.

TESTIMONY ON HOUSE BILL 2144
HOUSE ENVIRONMENT COMMITTEE
TERRY DUVALL, KANSAS WATER OFFICE
February 9, 1999

First, let me note that we do not oppose the intent of the proposed changes to the Multipurpose Small Lakes Act. However, we believe the concerns regarding the eligibility of renovation projects for financial assistance under this act can be addressed in a different manner.

As originally envisioned, the Multipurpose Small Lake Act was developed to allow for the add-on features of water supply storage space to planned watershed flood control structures. This provided a mechanism to ensure that reservoir sites were developed to their full potential with multipurpose benefits. The driving force for this type of development was recognition that many communities could not afford to finance the costs of a long pipeline and other hardware involved in moving water from the large federal reservoirs with storage space owned by the state to where it could be treated and distributed. We now recognize the existing program can fulfill this objective only to a limited degree.

The Kansas Water Office intends to address these issues, as well as several others relating to public water supplies, with the development of a Public Water Supply Subsection of the State Water Plan beginning in July of 1999. At the completion of this work, we will undoubtedly come back to the Legislature and Governor with recommendations to address specific public water supply issues. I cannot, at this time, predict what those proposals will be.

In the interim, we suggest that the Multipurpose Small Lakes Act retain its original intent, facilitating the add-on of water supply storage space to planned watershed structures and that flood control remain a requirement for consideration of new structures. However, in the case of renovation of existing structures, it is evident that no renovation can occur unless the flood control requirement is lifted. We support the proposal to lift this requirement from renovation projects, pending a full review of public water supply issues. We therefore offer the attached language change in H.B. 2144.

*House Environment
2-9-99
Attachment 5*

82a-1603. Definitions. When used in this act:

(a) "Chief engineer" means the chief engineer of the division of water resources of the state board of agriculture.

(b) "Class I funded project" means a proposed new project or renovation of an existing project located within the boundaries of an organized watershed district which is receiving or is eligible to receive financial participation from the state conservation commission for the flood control storage portion of the project.

(c) "Class II funded project" means a proposed new project or renovation of an existing project which is receiving or is eligible to receive financial participation from the federal government.

(d) "Class III funded project" means a proposed new project or renovation of an existing project located outside the boundaries of an organized watershed district which is not receiving or is not eligible to receive financial participation from the state conservation commission or the federal government except as provided in K.S.A. 82a-1606, and amendments thereto.

(e) "Flood control storage" means storage space in reservoirs to hold flood waters.

(f) "General plan" means a preliminary engineering report describing the characteristics of the project area, the nature and methods of dealing with the soil and water problems within the project area, and the projects proposed to be undertaken by the sponsor within the project area. Such

plan shall include maps, descriptions and other data as may be necessary for the location, identification and establishment of the character of the work to be undertaken; a cost-benefit analysis of alternatives to the project, including but not limited to, nonstructural flood control options and water conservation and reuse to reduce need for new water supply storage; and any other data and information as the chief engineer may require.

(g) "Land right" means real property as that term is defined by the laws of the state of Kansas and all rights thereto and interest therein and shall include any road, highway, bridge, street, easement or other right-of-way thereon.

(h) "Multipurpose small lake project" means a dam and lake containing (1) flood control storage and (2) either public water supply storage or recreation features or both. (h) "A new

(i) "Public water supply" means a water supply for municipal, industrial or domestic use.

(i) "A renovation multipurpose small lake project" means a dam and lake containing at least two of the following: (1) flood control storage; (2) public water supply storage; or (3) recreation features.

(j) "Public water supply storage" means storage of water for municipal, industrial or domestic use.

(j)

(k) "Recreation feature" means water storage and related facilities for activities such as swimming, fishing, boating, camping or other related activities.

(k)

(l)



STATE OF KANSAS
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HOUSE BILL NO. 2146

**Testimony Provided to
House Committee on Environment
February 9, 1999**

During the 1998 Legislative Session, both the House and Senate unanimously approved 1998 House Bill No. 2783, which authorized the Department of Wildlife and Parks to enter into an agreement with the U.S. Army Corps of Engineers to restore approximately 2,550 acres of wetlands near Milford Lake, and to designate an area of the project the "Steve Lloyd Wetlands," in honor of the former chair of the House Committee on Environment.

By developing the Milford Wetlands in cooperation with the Corps, the department, as the non-federal sponsor of the project, will receive a 3 to 1 match of funds from the Corps. Although the majority of the nonfederal funds are being raised privately, the 1998 Legislature also appropriated \$361,512 from the state general fund to provide the matching funds for the first phase of the project. 1998 HB 2783 included clarifying language that no more than this amount is to be paid from the state general fund, and that the remainder of the nonfederal share is to be paid from nonstate moneys. The remains the intention. WILDSCAPE, a non-profit association affiliated with the department, has already raised approximately \$700,000 (including the SGF contribution) for the project.

However, the Corps has determined that the clarifying language declaring a limitation on the state's financial obligation prevents the Corps from signing a project cooperative agreement with the department. Consequently, the department has proposed House Bill No. 2146, which strikes the problematic language, currently in statute as subsection (2) of K.S.A. 32-846.

We emphasize that this amendment will not materially alter the department's spending authority, nor will it remove the Legislature's authority over the department's appropriations. In addition, we emphasize that the project cooperative agreement is not anticipated to incur costs different than those anticipated during the 1998 Legislative Session. Both the Corps and the department fully intend that the nonfederal share of the project costs will be limited to the amount of private funds raised, plus the appropriations already made during the 1998 Legislative Session. If, for some unanticipated reason, the department should ever request additional state funding, that request would go through the normal appropriations process and would require approval by the Legislature.

Nonetheless, for legal reasons, this adjustment to the statutory language is necessary. In order to enable the department and the Corps to jointly proceed with this important project, we respectfully request the passage of HB 2146.

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*House Environment
2-9-99
Attachment 6*



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde D. Graeber, Acting Secretary

Testimony presented to

House Environment Committee

February 9, 1999

by

William L. Bider, Director, Bureau of Waste Management
Kansas Department of Health and Environment

House Bill 2147

KDHE appreciates this opportunity to provide testimony in support of House 2147 which was introduced by the department. The purpose of this bill is to broaden KDHE's authority to approve of certain solid waste disposal activities without requiring the person performing the disposal activity to obtain a permit. Prior to approving these special case disposal activities, KDHE would be required to assess the need in accordance with criteria already established in state law. Provisions currently exist to ensure that human health and the environment would not be impacted and that local officials are involved in the approval process.

This bill was also introduced last year. It passed 40-0 in the Senate and although it was passed favorably out of the House Environment Committee, time ran out and final action in the full House did not occur. There are no substantive changes to the bill this year.

Currently, the secretary of KDHE has limited authority to approve of disposal activities at unpermitted sites. These special cases include: (1) waste which has already been illegally dumped; and (2) waste which is processed as part of a temporary remediation project. When these limited cases were established in law in 1997, the broader list of possible exemptions to the permitting requirements had not been identified. Since that time, several other examples have arisen which are also good candidates for allowing disposal without a permit. HB 2147 proposes to add to the current list the following four new disposal activities which would not require a permit:

- The disposal of construction and demolition waste from a building demolition project on the site where the building existed.

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*House Environment
2-9-99
Attachment 7*

- The disposal of waste generated as the result of a transportation accident on property adjacent to or near the site of the accident, if the property owner and local officials agree with the action.
- The disposal of whole unprocessed livestock carcasses if the animals died as the result of a natural disaster or whether their presence has created emergency conditions which could impact human health or safety.
- The disposal of waste resulting from natural disasters such as floods, tornados, and fires.

These changes to the solid waste statutes will yield many benefits. Waste disposal activities can proceed promptly and at the lowest possible cost to the responsible parties without adversely impacting human health or the environment. The time-consuming permitting process would not need to be completed to allow solid waste disposal in a manner which KDHE in consultation with local officials has concluded is safe. Existing valuable permitted landfill capacity will be also conserved.

Thank you for this opportunity to provide testimony on this bill.

TO: HOUSE COMMITTEE ON ENVIRONMENT

Testimony on HB 2147

February 9, 1999

Good afternoon, ^{Chairperson Freeborn} Mr. Chairman and members of the Environment Committee. I'm Linda Peterson, Marion County Commissioner and a board member of the Central Kansas Waste Authority comprised of Dickinson, McPherson, Harvey and Marion counties.

Proposed House bill 2147, 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 House bill 2147.

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 disposals 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 House bill 2147.

Thank you.

*House Environment
2-9-99
Attachment 8*