

Approved: 4-1-99
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 23, 1999 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
 Mary Torrence, Revisor of Statute
 Mary Ann Graham, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that the hearing on **HB2179**, an act concerning transportation of certain high level radioactive waste in this state, which was scheduled for today's meeting, will be postponed due to the lack of time. It will be reconsidered for hearing next legislative session.

The Chairperson opened **HB2146** for discussion and possible action.

HB2146: An act concerning expenditures related to certain wetlands; amending K.S.A. 1998 Supp. 32-846 and repealing the existing section.

Rep. Lisa Benlon made a motion to pass the bill. Rep. Clay Aurand seconded the motion. Motion carried.

Chairperson Freeborn opened **HB2264** for discussion and possible action.

HB2264: An act concerning hazardous waste; amending K.S.A. 65-3430 and K.S.A. 1998 Supp. 65-3441 and repealing the existing sections.

A balloon to the bill was submitted by the Kansas Department of Health and Environment. (See attachment 1)

Rep. Clay Aurand made a motion to adopt the balloon. Rep. Sharon Schwartz seconded the motion. Motion carried.

Rep. Vaughn Flora made a motion the bill be passed favorably as amended. Rep. Becky Hutchins seconded the motion. Motion carried.

Chairperson Freeborn opened **HB2289** for discussion and possible action.

HB2289: An act establishing the commission on surface water quality standards; providing for the powers and duties thereof; repealing K.S.A. 1998 Supp. 65-1,175, 65-1,176 and 65-1,177 and repealing the existing sections.

A balloon to the bill was distributed by Rep. Sharon Schwartz (See attachment 2). She explained the changes.

Rep. Sharon Schwartz made a motion to adopt the balloon. Rep. Bill Light seconded the motion. Motion carried.

Discussion followed on lines 32 and 33 of the amendment. Rep. Dennis McKinney requested the motion be divided. After discussion Rep. Joann Freeborn divided the question and voted on the balloon, all except lines 32 and 33.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S Statehouse, at 3:30 p.m. on February 23, 1999.

Rep. Tom Sloan made a motion that the stricken language in lines 29 through 31 be reinserted except for "or former officer or employee" and that the language in lines 32 and 33 be retained. Rep. Dennis McKinney seconded the motion. Motion carried.

Rep. Ted Powers made a motion to table the bill. Motion failed. Chairperson Joann Freeborn ruled a second to the motion was unnecessary.

Rep. Tom Sloan made a motion to include in section (e) language that requires all costs of the act to be paid from the KDHE operating budget. Rep. Melvin Minor seconded the motion. Motion carried.

Rep. Laura McClure made a motion in lines 20-28 to add Geologists. Rep. Bill Light seconded the motion. Motion carried.

Rep. Doug Johnston made a motion the bill be passed as amended. Rep. Vaughn Flora seconded the motion. Motion carried.

The Chairperson opened **HB2490** for discussion and possible action.

HB2490: **An act relating to recreational trails; concerning certain duties of responsible parties; providing penalties for certain violations; amending K.S.A. 1998 Supp. 58-3212 and 58-3213 and repealing the existing sections.**

Mary Torrence explained the changes in the proposed **Substitute for HB2490**.

Rep. Lisa Benlon made a motion to adopt the substitute bill. Rep. Becky Hutchins seconded the motion. Motion carried.

Chris McKenzie, League of Kansas Municipalities, was in attendance and answered questions raised by committee members concerning fines.

Rep. Douglas Johnston suggested there should be an interim study done on **HB2490**.

Rep. Clay Aurand made a motion the bill be passed as amended. Rep. Melvin Minor seconded the motion. Motion carried.

The Chairperson opened **HB2291** for discussion and possible action.

HB2291: **An act concerning water quality; concerning processes for establishment of water quality standards.**

Mary Torrence, Revisor of Statutes, explained the amendments to the bill. (See attachment 3)

Rep. Sharon Schwartz moved to adopt the amendments. Rep. Becky Hutchins seconded the motion. Motion carried.

Dr. Ronald Hammerschmidt, Director, Division of Environment, Kansas Department of Health and Environment, was in attendance and addressed the committee concerning costs.

Rep. Vaughn Flora made a motion to table the bill. Bill tabled. Chairperson Joann Freeborn ruled a second to the motion was unnecessary.

The meeting adjourned at 5:00 p.m.

The next meeting will be announced.

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: February 23, 1999

NAME	REPRESENTING
Joe Lieber	KS - Gov. Council
Dale Lambly	Ks. Dept. of Agric.
Leslie Kaufman	Ks Farm Bureau
Al LeDoux	KWO
Tom Whitaker	Ks Motor Carriers Assn
Wendy Williams	Ks Aggr. Prod. Assn.
Stacy Soldam	Hein & Weir Child.
David J. Ehlert	from water office
Jerry Duwall	KWO
Jessica Bourquin	leg. - Rep. Weber
Lora Schloetzer	League of Women Voters
Mike Shields	Lawrence Journal World
Clint Riton	KDWP
Laurie Cole	Sen. Tyson - Intern
Arian Dechand	WMX
Joe White	KGBA - KGSMA
Chris Wilson	Ks Ag Aviation Ass'n
STEVE WILLIAMS	KDWP
Mike Beam	Ks Luth. Ann.

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: February 23, 1999

NAME	REPRESENTING
Doug Wareham	Ks. Grain & Feed Assn. Ks. Fertilizer & Chemical Assn.
Alan Steppat	Water PACK
JOHN C. BOTTENBERG	BOTTENBERG & ASSOC
Chris McKenry	League of Ks. Municipalities
Charles Benjamin	KNRC/KS Sierra Club

HOUSE BILL No. 2264

By Joint Committee on Administrative Rules and Regulations

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9 AN ACT concerning hazardous waste; amending K.S.A. 65-3430 and
10 "K.S.A. 1998 Supp. 65-3441 and repealing the existing sections.

11

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

13 Section 1. K.S.A. 65-3430 is hereby amended to read as follows: 65-
14 3430. As used in K.S.A. 65-3430 to 65-3447, and amendments thereto:

15 (a) "Department" means the Kansas department of health and
16 environment.

17 (b) "Disposal" means the discharge, deposit, injection, dumping,
18 spilling, leaking or placing of any hazardous waste into or on any land or
19 water so that such hazardous waste or any constituent thereof may enter
20 the environment or be emitted into the air or discharged into any waters,
21 including groundwater.

22 (c) "Facility" means all contiguous land, structures and other appur-
23 tenances and improvements on the land utilized for the purpose of treat-
24 ing, storing, or disposing of hazardous waste. A facility may consist of
25 several treatment, storage, or disposal operational units.

26 (d) "Generator" means any person, by site, whose act or process pro-
27 duces hazardous waste or whose act first causes a hazardous waste to
28 become subject to regulation.

29 (e) "Hazardous waste" means waste or combination of wastes which
30 because of its quantity, concentration or physical, chemical, biological or
31 infectious characteristics or as otherwise determined by the secretary to
32 cause, or significantly contribute to an increase in mortality or an increase
33 in serious irreversible or incapacitating reversible illness; or pose a sub-
34 stantial present or potential hazard to human health or the environment
35 when improperly treated, stored, transported or disposed of or otherwise
36 managed. Hazardous waste shall not include: (1) Household waste; (2)
37 agricultural waste returned to the soil as fertilizer; (3) mining waste and
38 overburden from the extraction, beneficiation and processing of ores and
39 minerals, if returned to the mine site; (4) drilling fluids, produced waters
40 and other wastes associated with the exploration, development and pro-
41 duction of crude oil, natural gas or geothermal energy; (5) fly ash, bottom
42 ash, slag and flue gas emission control wastes generated primarily from
3 the combustion of coal or other fossil fuels; (6) cement kiln dust; or (7)

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Attachment 1

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1 materials listed in 40 CFR 261.4, as in effect on July 1, 1983, or any later
2 version as established in rules and regulations adopted by the secretary.

3 (f) "Hazardous waste disposal facility" means a facility or part of a
4 facility at which hazardous waste is treated, stored or disposed and at
5 which waste will remain after closure. Such term also shall mean a haz-
6 ardous waste injection well.

7 (g) "Hazardous waste management" means the systematic control of
8 the collection, source separation, storage, transportation, processing,
9 treatment, recovery and disposal of hazardous waste.

10 (h) "Manifest" means the form prescribed by the secretary to be used
11 for identifying the quantity, composition, origin, routing and destination
12 of hazardous waste during its transportation from the point of generation
13 to the point of disposal, treatment or storage.

14 (i) "Modification" means the expansion or enlargement of a facility
15 beyond the boundaries established by an existing permit or any material
16 or substantial alteration or addition to an existing permitted facility which
17 would justify the application of permit conditions that would be materially
18 or substantially different from the conditions of the existing permit or are
19 absent from the existing permit.

20 (j) "Monitoring" means all procedures used to (1) systematically in-
21 spect and collect samples or require information and copy records or data
22 on the operational parameters of a facility, generator or a transporter; or
23 (2) to systematically collect and analyze data on the quality of the air,
24 groundwater, surface water or soil on or in the vicinity of a hazardous
25 waste generator, transporter or facility.

26 (k) "Off-site facility" means a facility where treatment, storage or dis-
27 posal activities are conducted by a person other than the hazardous waste
28 generator.

29 (l) "On-site facility" means a facility which is solely owned and op-
30 erated by the generator exclusively for the treatment, storage or disposal
31 of wastes which have been generated on the contiguous property and
32 includes the same or geographically contiguous property which may be
33 divided by public or private right-of-way, provided the entrance and exit
34 between the properties is at a crossroads intersection and access is by
35 crossing and not going along the right-of-way or noncontiguous properties
36 owned by the same person but connected by a right-of-way which the
37 person controls and to which the public does not have access.

38 (m) "Permit" means the document issued to a person by the secretary
39 which allows such person to construct and operate a hazardous waste
40 treatment, storage or disposal facility in the state.

41 (n) "Person" means an individual, trust, firm, joint stock company,
42 federal agency, corporation, including a government corporation, part-
43 nership, state, municipality, commission, political subdivision of a state or

(h) "Hazardous waste transfer facility" means any hazardous waste transportation-related facility, other than the location of generation or of final treatment or disposal, that, during the course of transportation, serves as an area for the accumulation, consolidation, distribution, or transfer of hazardous waste shipments, including loading docks, parking areas, rail spurs, and other similar areas where shipments of hazardous waste are held during the normal course of transportation. This term shall not include hazardous waste disposal facilities or permitted household hazardous waste facilities.

(i)

(j)

(k)

(l)

(m)

(n)

(o)

1 any interstate body.

2 ~~(e) "Secretary" means the secretary of the department of health and~~ (p)
 3 ~~environment.~~

4 ~~(p) "Storage" means the holding of hazardous waste for a temporary~~ (q)
 5 ~~period at the end of which the hazardous waste is treated, disposed of or~~
 6 ~~stored elsewhere.~~

7 ~~(q) "Transfer station" means any facility or location where hazardous~~
 8 ~~wastes are transferred from one vehicle to another or where hazardous~~
 9 ~~wastes are stored and consolidated before being transported elsewhere.~~

10 ~~(q) (r) "Transporter" means any person who is engaged in the off-~~
 11 ~~site transportation of hazardous waste by air, rail, land, highway or water.~~

12 ~~(r) (s) "Treatment" means any method, technique, or process, in-~~
 13 ~~cluding neutralization, designed to change the physical, chemical or bi-~~
 14 ~~ological character or composition of any hazardous waste so as to neu-~~
 15 ~~tralize such waste or so as to recover energy or material resources from~~
 16 ~~the waste, to render such waste nonhazardous, or less hazardous, safer to~~
 17 ~~transport, store or dispose of or amenable for recovery, amenable for~~
 18 ~~storage or reduced in volume.~~

19 ~~(s) (t) "Waste" means any garbage, refuse, sludge or other discarded~~
 20 ~~material which is abandoned or committed to treatment, storage or dis-~~
 21 ~~posal, including solid, liquid, semisolid, or contained gaseous materials~~
 22 ~~resulting from industrial, commercial, mining, community and agricul-~~
 23 ~~tural activities. Waste does not include solid or dissolved materials in~~
 24 ~~domestic sewage, in irrigation return flows, or solid or dissolved materials~~
 25 ~~or industrial discharges which are point sources subject to permits under~~
 26 ~~K.S.A. 65-165, and amendments thereto.~~

27 ~~(t) (u) "Acutely hazardous waste" means a commercial chemical~~
 28 ~~product or manufacturing chemical intermediate having a generic name~~
 29 ~~listed in 40 CFR 261.33(e), as in effect on July 1, 1984, or any later version~~
 30 ~~as established in rules and regulations adopted by the secretary; or an off-~~
 31 ~~specification commercial chemical product or manufacturing chemical~~
 32 ~~intermediate which, if either met specifications, would have a generic~~
 33 ~~name listed in 40 CFR 261.33(e), as in effect on July 1, 1984, or any later~~
 34 ~~version as established in rules and regulations adopted by the secretary.~~

35 ~~(u) (v) "Underground injection" means the subsurface emplacement~~
 36 ~~of fluids through a well for which a permit has been issued by the~~
 37 ~~secretary.~~

38 ~~(v) (w) "Land treatment" means the practice of applying hazardous~~
 39 ~~waste onto or incorporating hazardous waste into the soil surface so that~~
 40 ~~it degrades or decomposes and renders the waste nonhazardous.~~

41 ~~(w) (x) "Above ground storage" means the placement of container-~~
 42 ~~ized hazardous waste into an above ground structure for a temporary~~
 43 ~~period prior to the reuse or ultimate treatment or disposal of such waste.~~

1 (x) (y) "Closure plan" means a written document which identifies the
2 procedures by which the owner or operator of a hazardous waste man-
3 agement facility will close such facility so as to control, minimize or elim-
4 inate, to the extent necessary to prevent a threat to human health and the
5 environment, post-closure escape of hazardous waste, hazardous waste
6 constituents, leachate, contaminated rainfall or waste decomposition
7 products to the ground, groundwater, surface waters or to the
8 atmosphere.

9 (y) (z) "Post-closure plan" means the written document which identi-
10 fies the procedures by which the owner or operator of a hazardous waste
11 management facility shall provide, for a minimum of 30 years, for ground-
12 water protection, site security and maintenance of cover and leachate
13 collection systems.

14 Sec. 2. K.S.A. 1998 Supp. 65-3441 is hereby amended to read as
15 follows: 65-3441. (a) It shall be unlawful for any person to: (1) Dump or
16 deposit, or permit the dumping or depositing of any hazardous waste
17 regulated by this act into any facility which does not comply with the
18 provisions of this act or rules or regulations, standards or orders of the
19 secretary, but this provision shall not prohibit: (A) The use of hazardous
20 wastes in normal farming operations or in the processing or manufactur-
21 ing of other products in a manner that will not adversely affect the public
22 health or environment, or (B) a generator who periodically produces a
23 quantity of hazardous waste less than the quantity regulated under sub-
24 section (k) of K.S.A. 65-3431, and amendments thereto, from disposing
25 such quantity of hazardous waste into a facility approved by the depart-
26 ment which has a permit issued under K.S.A. 65-3407, and amendments
27 thereto.

28 (2) Construct, modify or operate a hazardous waste storage, treat-
29 ment or disposal facility without a permit or other required written ap-
30 proval from the secretary or to be in violation of the rules and regulations,
31 standards or orders of the secretary.

32 (3) Violate any condition of any permit issued by the secretary.

33 (4) Store, collect, treat or dispose of hazardous waste contrary to the
34 rules and regulations, standards or orders of the secretary.

35 (5) Refuse or hinder entry, inspection, sampling and the examination
36 or copying of records related to the purposes of this act by an agent or
37 employee of the secretary after such agent or employee identifies and
38 gives notice of their purpose at any time.

39 (6) Knowingly make any false material statement or representation
40 in any application, label, manifest, record, report, permit or other docu-
41 ment filed, maintained or used for purposes of compliance with this act.

42 (7) Knowingly destroy, alter or conceal any record required to be
43 maintained under rules and regulations promulgated by the secretary pur-

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1 suant to this act.

2 (8) Fail to designate on a manifest a facility which is authorized to
3 operate under the federal hazardous waste program or under a state haz-
4 ardous waste program which has received approval to operate in lieu of
5 the federal hazardous waste program.

6 (9) Transport hazardous waste to a facility which is not authorized to
7 operate under the federal hazardous waste program or under a state haz-
8 ardous waste program which has received approval to operate in lieu of
9 the federal hazardous waste program.

10 (10) Add, mix or blend any hazardous waste with fuel oil or any other
11 fuel intended for use by residential consumers or sell such blended fuel
12 to a residential consumer.

13 (11) Transport and dispose of, or cause the transportation and dis-
14 position of, hazardous waste in a manner contrary to the rules and reg-
15 ulations, standards or orders of the secretary. It shall not constitute a
16 defense to the generator that the generator acted through an independent
17 contractor in the transportation or disposition of the hazardous waste.

18 ~~(12) Operate a transfer station at which hazardous wastes are trans-~~
19 ~~ferred from one vehicle to another. It shall not be a violation of this pro-~~
20 ~~vision to transfer sealed containers of hazardous waste, properly prepared~~
21 ~~in accordance with rules and regulations or orders of the secretary, from~~
22 ~~one vehicle to another.~~

23 (b) Any person who violates any provision of paragraphs (1) to (10),
24 inclusive, of subsection (a) shall be guilty of a class A nonperson misde-
25 meanor and, upon conviction thereof, shall be punished as provided by
26 law. Any person who violates any provision of paragraph (11) or (12) of
27 subsection (a) shall be guilty of a severity level 10, nonperson felony and,
28 upon conviction thereof, shall be punished as provided by law.

29 (c) Any person who knowingly violates any provisions of paragraphs
30 (1) to ~~(11)~~ (12), inclusive, of subsection (a) shall be guilty of a severity
31 level 6, nonperson felony and, in the case of a continuing violation, every
32 day such violation continues shall be deemed a separate violation, and,
33 upon conviction thereof, shall be punished as provided by law.

34 (d) Any individual who violates any of the provisions of paragraphs
35 (1) to ~~(11)~~ (12), inclusive, of subsection (a) shall be legally responsible to
36 the same extent as if such acts were in the individual's own name or on
37 the individual's own behalf.

38 (e) The county or district attorney of every county shall file appro-
39 priate actions for enforcement of this section upon request of the secre-
40 tary or upon the county or district attorney's own motion after consulta-
41 tion with the secretary.

42 (f) No person shall be held responsible for failure to secure a permit
43 under the provisions of this section for the dumping or depositing of any

(12) Operate a hazardous waste transfer facility at which hazardous waste is transferred from one or more containers to one or more different containers. This shall not apply to overpacking of hazardous waste containers when the overpack containers are marked with labels that contain all the information on the original labels.

1 hazardous waste on land owned or leased by such person without their
2 expressed or implied consent, permission or knowledge.
3 Sec. 3. K.S.A. 65-3430 and K.S.A. 1998 Supp. 65-3441 are hereby
4 repealed.
5 Sec. 4. This act shall take effect and be in force from and after its
6 publication in the statute book.

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HOUSE BILL No. 2289

By Committee on Environment

2-5

House Environment
2-23-99
Attachment 2

9 AN ACT establishing the commission on surface water quality standards;
10 providing for the powers and duties thereof; repealing K.S.A. 1998
11 Supp. 65-1,175, 65-1,176 and 65-1,177 and repealing the existing
12 sections.
13

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

15 Section 1. (a) As used in this section:

16 (1) "Commission" means the commission on surface water quality
17 standards established by this section.

18 (2) "Department" means the department of health and environment.

19 (3) "Secretary" means the secretary of health and environment.

20 (b) There is hereby established the commission on surface water
21 quality standards. The commission shall consist of seven members ap-
22 pointed by the governor. Members of the commission shall have experi-
23 ence in one or more of the following areas and disciplines and shall be
24 appointed so as to achieve a balanced representation of such areas and
25 disciplines: Environmental sciences; civil engineering; business and in-
26 dustry; public finance; municipal wastewater treatment; agriculture or
27 agribusiness; environmental law; public health sciences; aquatic biology;
28 risk assessment; or cost benefit analysis. No member of the commission
29 shall be

30 ~~(1) An officer or employee or former officer or employee of the de-~~
31 ~~partment, or~~

32 ~~(2) a person or officer, employee or agent of an entity that is licensed,~~
33 ~~inspected or regulated by the department.~~

34 (c) Of the members first appointed to the commission, the governor
35 shall designate two to serve for terms of four years, two to serve for terms
36 of three years, two to serve for terms of two years and one to serve for a
37 term of one year. Thereafter, members of the commission shall be ap-
38 pointed for terms of four years. When a vacancy occurs in the member-
39 ship of the commission, the vacancy shall be filled for the unexpired term.

40 (d) The chairperson of the commission shall be appointed by the
41 governor from among the members of the commission. The commission
42 may elect such other officers as the commission determines necessary to
43 carry out the powers and duties of the commission. The commission shall

"Science advisory panel" means a panel of scientists, from outside the department, appointed by the secretary to provide expert advice to the secretary on scientific and technical issues facing the department, to assess the results of specific research efforts as requested by the secretary and to assist in identifying emerging environmental issues.

(4)

an officer or employee of

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1 meet on call of the chairperson or a majority of the members of the
2 commission.

(f) 3 ~~(e)~~ The secretary of administration shall provide appropriate space
4 for the meetings of the commission. On request of the commission, the
5 staff of the department, the department of agriculture, the Kansas bio-
6 logical survey, the department of wildlife and parks and educational in-
7 stitutions under the state board of regents shall cooperate with and assist
8 the commission.

(g) 9 ~~(f)~~ Members of the commission shall receive compensation, subsis-
10 tence, mileage and expenses as provided by K.S.A. 75-3223 and amend-
11 ments thereto.

(h) 12 ~~(g)~~ The commission shall:

13 (1) Consult with and advise the governor, the legislature and the sec-
14 retary on matters relating to surface water quality standards, including
15 recommending revisions to surface water quality standards and devel-
16 opment of programs to educate and involve the public in water quality
17 issues.

18 (2) Make a report and recommendations to each regular session of
19 the legislature and to the governor at such times as the commission con-
20 sidered advisable concerning matters relating to surface water quality stan-
21 dards, including any necessary or advisable legislation relating to such
22 standards.

23 (3) Before any proposed policy changes regarding surface water qual-
24 ity standards become effective, review and make recommendations to the
25 secretary regarding such policies.

26 (4) Before adoption or amendment of any rules and regulations re-
27 lating to surface water quality standards, investigate, evaluate and make
28 recommendations to the secretary regarding such rules and regulations.

29 Sec. 2. K.S.A. 1998 Supp. 65-1,175, 65-1,176 and 65-1,177 are
30 hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its
32 publication in the statute book.

(e) The commission shall be attached to the department. All budgeting, purchasing and related management functions of the commission shall be administered under the direction of the secretary. The secretary shall provide office and meeting space and such clerical and other staff assistance as may be necessary to assist the commission in carrying out its powers, duties and functions under this act. All vouchers for expenditures and all payrolls of the commission shall be approved by the chairperson of the commission or a person designated by the chairperson and the secretary or a person designated by the secretary.

, Kansas geological survey, Kansas water office

and the science advisory panel

, the science advisory panel

HOUSE BILL No. 2291

By Committee on Environment

2-5

House Environment
2-23-99
Attachment 3

9 AN ACT concerning water quality; concerning processes for establish-
10 ment of water quality standards.

11

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

13 Section 1. As used in this act:

14 (a) "Kansas continuing planning process document" means the doc-
15 ument developed by the department of health and environment pursuant
16 to section 303(e) of the federal clean water act (33 U.S.C. 1313(e)) and
17 40 CFR 130.5.

18 (b) "Report of the special commission" means the final report of the
19 Kansas special commission on water quality standards, filed June 30,
20 1998, in the office of the governor, the office of the clerk of the house of
21 representatives and office of the clerk of the senate.

22 Sec. 2. The Kansas water office, in cooperation with the department
23 of health and environment, the department of wildlife and parks, basin
24 advisory committees and any other entities that the water office deems
25 appropriate, shall establish a process for citizen participation in the es-
26 tablishment of surface water quality standards. The process shall be de-
27 veloped in accordance with the recommendations of the report of the
28 special commission and shall:

29 (1) Include programs to create public awareness of the value of the
30 state's water resources and to educate the public regarding water quality
31 issues; and

32 (2) provide for citizen involvement in determinations of designated
33 uses of surface waters, surface water quality criteria and total maximum
34 daily loads (TMDL's), including participation in review of fiscal impacts
35 and risk assessment analysis.

36 Sec. 3. (a) The department of health and environment, in determin-
37 ing designated uses of surface waters, shall:

38 (1) Provide for citizen participation and education in designation of
39 uses in accordance with the process established pursuant to section 2 and
40 amendments thereto;

41 (2) develop and adopt, after review and recommendations by the
42 commission on water quality standards, use attainability protocols;

43 (3) conduct formal use attainability analyses, developed in accordance

established pursuant to K.S.A. 82a-903 and amendments thereto [KS Water Office]

use the state water planning process established pursuant to K.S.A. 82a-902 et seq. and amendments thereto [KS Water Office]

include [KS Water Office]

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1 with protocols established under (2) and establish a schedule of devel-
2 oping TMDL's consistent with the most recent Kansas continuing plan-
3 ning process document;

4 (4) conduct an economic impact assessment of both costs and ben-
5 efits of a designated use and report the results to citizens involved in the
6 process of determining designated uses;

7 (5) conduct a consequence analysis of any water quality standard pro-
8 posed to achieve a designated use if the standard is more restrictive than
9 federal requirements;

10 (6) determine designated uses on a stream segment-by-segment ba-
11 sis; and

12 (7) if a dispute over the appropriateness of a designated use arises,
13 submit the matter to the commission on water quality standards for the
14 commission's review and recommendations.

15 (b) The department of health and environment shall review all cur-
16 rent designated uses of surface waters in a systematic manner based on
17 priorities established by the most recent Kansas continuing planning pro-
18 cess document.

19 (c) On or before February 1, 2000, and February 1, 2001, the Kansas
20 water office and the department of health and environment shall submit
21 to the house standing committee on environment and the senate standing
22 committee on energy and natural resources a report on the implemen-
23 tation of the provisions of the report of the special ~~committee~~ and the
24 provisions of this act.

25 Sec. 4. This act shall take effect and be in force from and after its
26 publication in the statute book.

surface water quality standards, including

or surface water quality criterion [KS Grain & Feed Assn and KS
Fertilizer & Chemical Assn]

commission [KS Water Office]