

Approved: 1-26-99  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:00 a.m. on January 20, 1999 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Al LeDoux, Director, Kansas Water Office  
Kent Lamb, Chairman, The Kansas Water Authority  
Clark Duffy, Assistant Director, Kansas Water Office  
Dale Lambley, Kansas Department of Agriculture  
Don Pitts, Assistant Attorney General

Others attending:

See attached list.

Chairperson announced that it was a joint meeting of the Senate Energy and Natural Resources and the Senate Agriculture Committee for a review of The Kansas Water Plan. He called on Mr. LeDoux, Director, Kansas Water Office.

Mr. LeDoux introduced members of his staff that would be assisting in the presentation, Kathy Tucker Vogel, Clark Duffy, and Glen Kirk. Mr. LeDoux called on Kent Lamb of the Kansas Water Authority to introduce himself and the other members of the Authority.

Mr. LeDoux said the Kansas Water Office is the water planning, policy and coordination agency for the State of Kansas. They are responsible for development, management and conservation of the State Water Plan, and to review all water laws. It is their responsibility to make recommendation to the Governor and the Legislature for new or amendatory legislation. Their mission is to work to ensure good quality water to meet the needs of the people and the environment for now and into the 21<sup>st</sup> century. A twelve minute video on the Waters of Kansas was shown. The quarterly journal of the Kansas Water Office "Hydrogram", a special legislative issue contains Mr. LeDoux and Mr. Duffy's remarks this journal is on file in the Kansas Legislative Research Department, and during the session on file in the office of Chairperson Corbin.

Clark Duffy told the committee it is statutory that they report on the State Water Plan and advise the Legislature of their funding plan. He also reviewed the water resources planning activities for fiscal year 2000.

Dale Lambley reviewed the strengthening process developed by Kansas Department of Health and Environment and Department of Agriculture in responses to **Sub. S. B. 2950** the "swine bill". This legislation was passed in the 1998 session and had an effective date of January 1, 1999. He further stated the first step in the pesticide management program known as the Kansas generic plan has been drafted and submitted to EPA for review. He expected that EPA comments and general approval of the plan by February 1, 1999 (Attachment 1).

The meeting adjourned at 8:58 a.m. The next meeting is scheduled for January 21, 1999.

SENATE ENERGY & NATURAL RESOURCES  
COMMITTEE GUEST LIST

DATE: 1-20-99

NAME	REPRESENTING
Al LeDoux	KWO-KWA
Gordon Schmidt	KWA
Jim Allen	Seaboard -
Derenda Mitchell	Ks. Dept. of Agriculture
RICHARD PORTER	KWA
Jerry Blain	KWA
Bill Hamm	KWA.
DAVID MUELDER	KWA
PAUL TOBIA	KWA-KCCI
Julie Hein	Hein and Weir, Chfd
Don McFarson	KWA
John Spurlin	KWA
Marty Vanier	KS Ag Alliance
Dale Lambley	KWA
Kent Lamb	KWA
Mike Beam	Ks. Luth. Assn.
Alan Steppat	WATER P.A.C.K.
Jeff Arpin	Division of the Budget
Roger Boyd	KS water Authority



Testimony  
of

**Dale Lambley**  
**Kansas Department of Agriculture**

Before the  
Joint meeting of:

Senate Agriculture Committee

Senate Energy & Natural Resources Committee

January 20, 1999

Senate Energy & Natural Resources

Attachment: /

Date: 1-20-99 1-1

## **NUTRIENT UTILIZATION PLANNING AND CAFOs**

During last session, the Kansas Legislature enacted Sub. H.B. 2950 - generally known as the swine bill. The bill strengthened permitting requirements for confined swine operations and also put into place restrictions on the amount of swine waste which can be applied to farm fields. The permitting of facility sites is overseen by KDHE; however, the Department of Agriculture was assigned the responsibility of overseeing field fertility testing and application of manure as fertilizer.

Both KDHE and KDA have developed the regulations necessary for implementation. Kansas State University, the KDHE swine advisory committee, the Kansas Pork Producers Association and several consultants assisted KDA in the development of the nutrient utilization regulations which went into effect on January 1, 1999. Swine producers having more than 1000 Animal Units of hogs will be entering into a 5 year field fertility planning and manure application schedule. Annual soil testing of fields for nitrogen, phosphorus, chlorides, copper and zinc levels is required. Phosphorus testing is a key to protecting both surface water and groundwater from nutrient enrichment. When phosphorus runoff is limited, losses of nitrogen, zinc, copper and chlorides to either groundwater or surface water are minimal. The swine operations also will be conducting soil profile testing for nitrates.

KDHE employed a consultant to assist in development of a computerized program to be used in maintaining information and issuing CAFO permits. KDA, KSU Cooperative Extension and the Kansas Pork producers will be holding workshops for pork producers in late February and early March in Linn, Garden City, Newton and Seneca. The purpose of these workshops is to help producers learn how to prepare the required nutrient utilization plans. The nutrient plan is a part of the application which will then be submitted to KDHE.

The system KDA will use in processing applications for swine CAFO permits is as follows: 1) producers will submit all information to KDHE District Offices; 2) KDHE will scan in the application and electronically transmit the nutrient utilization plan to KDA for review; 3) following review, KDA will signify approval/denial to KDHE. Electronic handling should reduce errors in handling and speed up the response process.

## **PESTICIDE MANAGEMENT PLANS**

Since 1990, the US Environmental Protection Agency has been developing a new initiative designed to prevent pesticide contamination of the nation's groundwater resources. The EPA's Pesticides and Groundwater Strategy calls for their review of the various pesticides and identification of those that may offer a potential for leaching into groundwater. States would then develop management plans for the pesticides identified by EPA as posing a threat to groundwater. The Pesticide Management Planning (PMP) process would provide each state the opportunity to tailor their pesticide use and groundwater protection measures to fit local conditions.

The first step in the pesticide management program is state development of a generic management plan. The generic plan is the basic framework of the program that would be put into place. It outlines the processes and procedures under which future plans for designated pesticides would be developed. The Kansas Department of Agriculture, as state pesticide lead agency, is charged with development of the generic and any future pesticide specific plans. These state plans require the involvement, assistance and coordination with other entities having water related responsibilities or interests.

The Kansas generic plan has been drafted and submitted it to EPA for review. It strongly emphasizes prevention of water contamination, rather than after-the-fact remediation. EPA comments and general approval of the Kansas generic plan are expected by February 1, 1999. Once that is received, KDA will begin a wider process of education and outreach on this program and ask for advice and suggestions. The Kansas generic plan is a living document. This allows the state to know what EPA is going to require and still incorporate the "better ideas" that people may come up with during public review of the plan. Planner expect to learn a great deal as they develop and implement the first pesticide specific plan, and these experiences can be added.

EPA has indicated that the first group of pesticides for which they might require development of plans are alachlor, atrazine, metolachlor, simazine and cyanazine. Following formal federal notice that a plan was required for use of a pesticide, the state would have 2 years for plan development and implementation.