

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 March 15, 2000 in 245-N of the Capitol.

All members were present except: 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:

Senator Pat Ranson, 25<sup>th</sup> District  
Senator Christine Downey, 31<sup>st</sup> District  
Charles Benjamin, Sierra Club, Kansas Resource Council  
Sharon Falk, Groundwater Management District #5  
Mike Jensen, Kansas Pork Producers  
Bill Fuller, Kansas Farm Bureau  
Mike Taylor, city of Wichita  
Rich McKee, Kansas Livestock Assn.  
M. S. Mitchell, Kansas Building Industry

Others attending:

See attached list.

Hearing was opened on **SB 625**— Certain information regarding existing and potential pollution of Equus beds, and **SCR 1638**—Protection of groundwater from swine waste pollution.

A fiscal note on **SB 625** was distributed.

Senator Ranson as the major sponsor of **SCR 1638** explained and supported the resolution. She responded to several questions.

Senator Downey presented testimony supporting **SB 625**. The bill requires the Secretary of KDHE to collect information concerning existing and potential sources of pollution in the Equus Beds area. She further stated the ideal policy regarding the Equus Beds will focus on a cohesive and comprehensive protection system that involves state agencies and local communities (Attachment 1). Attached to Senator Downey's testimony is supporting papers. Senator Downey said she thought the amount the fiscal note listed to collected information was way to high, as she had collected the information attached to her statement without a lot of expense and effort.

Charles Benjamin, Kansas Sierra Club and Kansas Natural Resource Council supported both pieces of legislation. He said all of the state's groundwater is a precious natural resource to be preserved and protected for our use now and in for future generations of Kansans (Attachment 2).

Sharon Falk, Manager, Big Bend Groundwater Management District No. 5, supported **SCR 1638** as it is important to protect sensitive groundwater areas from swine waste pollution (Attachment 3).

Mike Jensen, Kansas Pork Producers Council, supported **SB 625**. He thought the concepts of this bill deserved to be implemented. His council thought **SCR 1638** was one of the least plausible ideas yet floated to protect our environment, therefore they opposed it (Attachment 4).

Mike Taylor, city of Wichita supported both piece of legislation and Senator Corbin asked that he submit written testimony. No written testimony has been submitted at this time.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

Bill Fuller, Kansas Farm Bureau, supported **SB 625** based on their member's desire to protect water quality. He encouraged the committee not to approve **SCR 1638**, as they oppose a moratorium on any agricultural operation (Attachment 5).

Rich McKee, Kansas Livestock Association, spoke in opposition to **SCR 1638**. Their association recommended to closely analyze the research being conducted by Kansas State University to see what, if any, changes need to be made to existing regulations (Attachment 6). **SB 625** he urged the committee to supported the bill.

M. S. Mitchell, Legislative Chair for the Kansas Building Industry Association supported **SB 625** and concurred with aims contained in **SCR 1638**, and opposed the provisions of **SB 636** (Attachment 7).

Ken Goodyear, Geary County, KS, said they have always strived to be good environmental stewards and have worked hard to ensure the water quality of the state (Attachment 8).

Jolene Grabill, REAP, supported **SB 625**.

Written testimony was submitted from:

Ron Gaches, Kansas Society of Professional Engineers supporting **SB 625** (Attachment 9) and Marci Hess, Sedgwick County Commissioners supporting **SB 625** (Attachment 10).

Margaret Fast, Kansas Water Office told the committee she would be submitting a memo with background information concerning the Kansas Water Plan and what is included in the water quality strategy.

The meeting adjourned at 9:02 a.m. The next scheduled meeting will be on March 16, 2000 at 9:00 a.m.





CHRISTINE DOWNEY

SENATOR, 31ST DISTRICT  
10320 N. WHEAT STATE RD.  
INMAN, KANSAS 67546

STATE CAPITOL BUILDING, ROOM 126-S  
TOPEKA, KS 66612-1504  
(785) 296-7377



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER: EDUCATION  
MEMBER: AGRICULTURE  
WAYS AND MEANS  
LEGISLATIVE EDUCATIONAL  
PLANNING COMMITTEE  
JOINT COMMITTEE ON  
CHILDREN'S ISSUES

**Thank you Mr. Chairman and members of the Committee.**

I appreciate the opportunity to testify on SB 625 today.

It is not a complicated concept and it is not a complicated bill. It requires the Secretary of Kansas Department of Health and Environment to collect information concerning existing and potential sources of pollution in the Equus Beds area.

In this business, one question that is important to ask is, why is this bill needed? Because good policy, whether law or regulation, must be predicated on accurate information.

Over the past year, many suggestions have surfaced on policies, laws, and regulations necessary to protect the Equus Beds. Many of the people advancing suggestions and ideas have been unaware of the complexity of this issue. Currently there are multiple pollutants effecting the aquifer, multiple agencies involved with identifying and remediating pollution sites, various time lines, costs and priorities.

As important as it is to tell you what this bill proposes to do – it is just as important to tell you what this bill does not do. This bill does not set policy for Equus Bed Protection. It simply provides for the collection of information so that policy and priorities can be set. It does not shift control from the Groundwater Management District to the State. GMD #2 is a valuable monitoring agency at the local level. It does not consolidate state agency clean-ups. It does not supercede existing statutes on pollution or water. This bill is not designed to do any of these things.

Senate Energy & Natural Resources

Attachment: *2*

Date: *3-15-2000*

It is designed to provide the information necessary for new policy to be developed or for current policies to be adapted. It is the piece that is missing. KDHE is the agency at the State level that can put the map on the wall. Developing the data base with relevant information on existing sites such as cost of clean-up, responsible agency, and time line is important to give us a snapshot of the current status. But the charge to include potential areas of concern is important in terms of prevention. The agency will report to Legislative bodies and all information will be shared interagency and available to the public.

I believe it is important to examine the various sites and problems in conjunction with each other.

The ideal policy regarding the Equus Beds will focus on a cohesive and comprehensive protection system that involves state agencies and local communities. Accurate, centrally located information is critical to the development of that policy.

I hope you will give serious consideration to SB 625.

Thank you and I'd be glad to answer questions.

# Equus Beds Groundwater Management District

McPherson

## Equus Beds Aquifer Facts

- Larger in area than Rhode Island
- Major source of fresh water for South-central Kansas
- Over 1,620 wells pump from it
- 58,000,000,000 gallons use yearly
- Drinking water for 500,000 people
- Managed locally by elected officials representing municipal, industrial, irrigation and domestic users

Reno

Harvey

## Equus Beds Directors

**President**

Tim Maier

**Vice President**

Brad Franz

**Secretary**

Dennis Clennan

**Treasurer**

Jerry Blain

**Directors**

Jeff Reimer

Galen Flickner

William Foley

David Stroberg

Joe Mies

313 Spruce Street  
Halstead, Kansas 67056  
Phone - 316 835-2224  
Fax - 316 830-2210  
Email - [equusbed@ink.org](mailto:equusbed@ink.org)

Sedgwick



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

**57<sup>th</sup> and North Broadway Superfund Site**  
**Wichita, Kansas**

February 2000

**SITE DESCRIPTION:** The 57<sup>th</sup> and North Broadway Site is a ground water contamination site that includes residential and commercial areas. The specific sources of contamination in this area have yet to be fully determined. Local and State officials were first alerted to the presence of contamination in 1983 when a resident complained about the poor quality of the drinking water. Subsequent investigations led to the detection of contamination in the soil, as well as in residential and industrial wells. In 1989, the Kansas Department of Health and the Environment (KDHE) identified four parties potentially responsible for site contamination: an oil refining plant, a trucking company, an abandoned gas station, and an abandoned paint factory which generated paint sludge and cooling water. Other potential sources of contamination are known to be present within the site.

The 57<sup>th</sup> and North Broadway site is located in Park City, Wichita, and an unincorporated area of Sedgewick County. The site lies predominantly to the southwest of the extension of 58<sup>th</sup> Street and Chisholm Creek. The site is on EPA's National Priorities List (NPL). The NPL is EPA's list of sites eligible for remedial cleanup under the Superfund program.

**SITE RESPONSIBILITY:** This site is being addressed through Federal and State actions.

**THREATS AND CONTAMINANTS:** Volatile organic compounds (VOCs), including benzene, PCE, TCE, toluene, vinyl chloride, xylene, and heavy metals, including arsenic, barium, cadmium, chromium and lead have been detected in on-site soil and residential and industrial wells. Exposure to contaminated soils or ground water could pose a health risk.

**CLEANUP APPROACH:**

**Immediate Actions:** In 1990, EPA provided bottled water to residents and small businesses affected by site contamination. A water supply line was constructed in 1992.



**Entire Site:** An investigation into the nature and extent of ground water contamination at the site began in 1995. The investigation was completed in 1999. A Record of Decision (ROD) was signed in the fall of 1999. The ROD documents EPA's cleanup plan for the contaminated ground water and soils at the site. EPA's selected remedy for the ground water is to remove the ground water contamination by using in-well strippers. EPA's selected remedy for the soils is to treat the soils in-place using a soil vapor extraction system.

**Riverview Neighborhood:** In late 1997, an extension of the plume was discovered in a residential neighborhood. A removal action was immediately implemented to provide first bottled water and then water house filters. Subsequently, a full study and intermediate action was taken. Affected residents were being connected to the newly constructed city water lines. A final remedy was selected in the summer of 1999. According to the ROD, EPA will connect 54 residents to the city's water system, design and install an in-well stripping system and continued ground water monitoring. A quarterly ground water monitoring report will be available the to community.

**ENVIRONMENTAL PROGRESS:** Immediate actions such as the provision of bottled water and the construction of a water supply line to affected residences and small businesses have reduced the risks posed to the safety and health of the nearby population while investigations were being completed by the EPA.

**NEXT STEPS:** EPA is currently conducting enforcement actions for the site and is currently in the remedial design phase for the Riverview area. Quarterly ground water monitoring continues in Riverview. The first quarterly report was issued the first of December. The next report is due in March 2000.

EPA and the Community Advisory Group continue to meet. The next meeting is scheduled for March.

**INFORMATION REPOSITORY:** The 57<sup>th</sup> and North Broadway Administrative Records include the RODs for the Riverview and the site-wide areas. The Administrative Record includes the RODs and other information concerning the site. The Administrative Records are available for review at the following locations, during normal business hours:

Wichita-Sedgwick County Health Department  
1900 E. 9<sup>th</sup> Street  
Wichita, Kansas

EPA Region 7 Docket Room  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas

General Superfund and 57<sup>th</sup> and North Broadway site information can be accessed through the Internet at [www.epa.gov/superfund](http://www.epa.gov/superfund).

**ADDITIONAL INFORMATION:** Questions about the site should be directed to:

Hattie Thomas  
Community Involvement Coordinator  
EPA Region 7  
901 N. 5<sup>th</sup> Street  
Kansas City, KS 66101  
1-913-551-7003  
E-mail: [thomas.hattie@epa.gov](mailto:thomas.hattie@epa.gov)

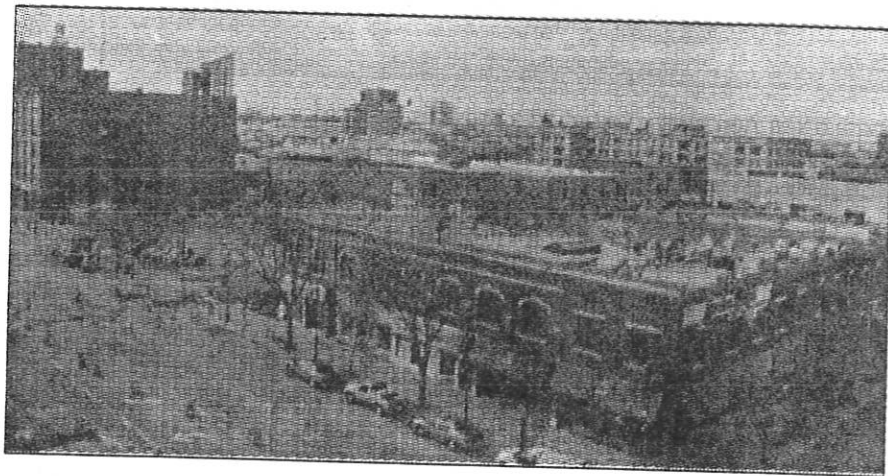
Steve Kinser  
Site Project Manager  
EPA Region 7  
901 N. 5<sup>th</sup> Street  
Kansas City, KS 66101  
1-913-551-7728  
E-mail: [kinser.steve@epa.gov](mailto:kinser.steve@epa.gov)

EPA's Toll-free number: 1-800-223-0425

###

## DOWNTOWN POLLUTION

# Lawsuit could snare another 100 companies



Jill Jarsulic/The Wichita Eagle

The Old Town entertainment district might never have been developed if the city hadn't told the Environmental Protection Agency that it would take responsibility for the \$20 million-plus cleanup.

■ Businesses are seeking to spread the blame for the Gilbert and Mosley pollution site — and the expense of cleaning it up.

**BY JEAN HAYS**

The Wichita Eagle

Deciding who should pay \$20 million or more to clean up the pollution in downtown Wichita is on the verge of turning into a legal free-for-all.

The city of Wichita, which volunteered to be responsible for the cleanup cost for a four-mile-long polluted area known as Gilbert and Mosley, has sued 27 businesses and individuals hoping to recover the money.

Lawyers for those 27 entities — includ-

ing The Wichita Eagle — in turn say they intend to sue another 100 companies, and perhaps more, in the coming weeks.

Observers say the legal battle could delay the cleanup and slow growth in the affected area — including Old Town — by making it more difficult for businesses to borrow money and by possibly depressing property values.

Lawyers declined to tell federal magistrate Karen Humphreys during a recent status conference just whom they would be suing.

She gave them until March 1 to name the companies. The judge must give approval before any additional parties are named in the lawsuit.

Coleman Co. is definitely on the list, according to a transcript of the conference. Others include a laundry and an

# Memorandum

To: Senator Christine Downey

Date: February 1, 2000

Re: Contamination site - Halstead

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In response to your telephone request on Monday, January 31, 2000 the following information is provided:

Location: 100 Main, Halstead

KDH&E SITE ID #: 02040726BTEX

Case # 92-E-393

Contamination at this site was first detected in 1991, from underground fuel storage tanks that were installed in 1983. Active KDH&E involvement began when an **Underground consent agreement** was signed by the owner/operator Unilda Moffatt on 12/29/92 and by KDH&E Secretary Robert Harder on 1/11/93. Five Monitoring wells were subsequently installed around the site and quarterly sampling was initiated for **BTEX** (Benzene, Toluene, Ethylbenzene & Total Xylenes), MtBE (Methyl tert Butyl Ether), 1,2 DCA (Dichloroethane) and Napthalene.

No definitive action toward clean up of the site occurred during the period 1991 through 1998. On April 19, 1998 the Halstead Superette ceased operation as a result of a fire which totally destroyed the business. Through inquiry we learned that the former owner/operator had six months to report the cessation of business and another six months to remove the leaking underground tanks. There appeared

to be little interest by anyone at this point in seeing this project move forward.

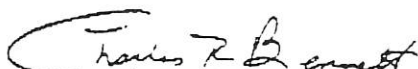
On April 21, 1998 A meeting was held with various city officials, Senator Christine Downey and Representative Ellen Samuelson. It was during that meeting, which included a telephone call from Senator Downey to then KDHE Secretary Mitchell, that this project began to move forward. After consultation with Secretary Mitchell and various members of his staff, it was agreed that this site had been on the list long enough and it was time to move forward.

On June 8, 1998 KDHE representatives Bill Morris, Greg Hattan and Dan Nicoski addressed the Halstead City Council to fully inform the governing body of current efforts at this site.

In August, 1999 a deal was struck with former owner/operator to have a private contractor remove the leaking underground tanks at her expense. That did occur in August, 1999. Immediately thereafter, a another contractor, paid for out of the Petroleum Release Trust Fund, arrived on site and removed contaminated soil in the area.

This site, and any groundwater under the site, is now free from the aforementioned contamination.

Personal observation: As the local person involved in attempting to move this clean up project forward, I am absolutely convinced that this would still be just another of the approximately 1,000 similar sites in Kansas if not for the intervention of Senator Downey. From the moment she picked up the telephone to make direct contact with the Secretary of KDHE at our very first meeting, through the final cleanup effort, Senator Downey was in constant contact with the undersigned. This project happened because Senator Downey made it happen.

  
Charles R. Bennett

City Administrator, Halstead

## Halstead Water Rights Summary

July 1, 1997

The purpose of this document is to summarize the status of the City of Halstead's Water Rights. The City of Halstead obtains their water supply through three groundwater Wells. Water Rights files numbered 1496, 17584, and 19268 are currently shown for the three existing Wells.

Water Right 19268 originally allowed the development of three Wells and allowed up to 1,074.5 acre-feet per year (Well No. 6). The two other existing City Wells No. 5 and No. 7 are covered under Water Rights 1496 and 17584. Water Wells No. 5 and 7 have been administratively combined and allowed to pump 122.8 acre-feet annually. When Wells 5 & 6 are combined with Well No. 6 the total that can be pumped is 475.0 acre-feet.

The City of Halstead has experienced contamination (VOC) of one well (No. 5) through a source believed to be a local industry. The City's Well No. 7 is of very poor quality in that it has high iron and manganese in excess of the Safe drinking Water Act's recommendations concerning these two parameters. Therefore, this Well is not used except under extreme duress.

The Division of Water Resources - Department of Agriculture has begun the certification process of the Water Rights and are suggesting that Well No. 6 be limited to 275.0 acre-feet, and/or all three wells in combination be limited to 475.0 acre-feet per year.

The City of Halstead has joined Wholesale Water Supply District No. 17 in an effort to provide security to their citizens for a continued supply of safe and affordable water. The City has requested, from the Department of Agriculture - Division of Water Resources that they be allowed an extension of the certification period for water Well No. 6 with the hope that Water Rights for the 1,074.5 acre-feet can be perfected. If Halstead is allowed to perfect Well No. 6 at the higher rate of withdrawal, then many millions of dollars in treatment costs could be saved by the Wholesale Water Supply District No. 17 by not having to treat water of inferior quality. The Wholesale Water Supply Act makes reference to the ability of such districts to perfect water rights in excess of those able to be perfected by individual local units of government.

The inequity of downgrading the amount of water available, is that Kansas Water Law basically favors high users such as agriculture and industry who have historically not been very rigorous in their use minimization. If the City of Halstead were to have been less attentive in controlling their water use in the past, without question, more water would have been used and therefore Water Rights substantially in excess of what are being proposed would have been certified. The aquifer has not shown significant subsidence in the area of question and therefore, we must assume that safe withdrawal rates have not been exceeded. Certifying Well No. 6 at the original permitted condition of 1074.5 acre-feet per year would not appear to be detrimental to the Equus beds or other users thereof.

We have requested through Wholesale Water Supply District No. 17 and the City of Halstead that the Division of Water Resources reconsider their proposed action as it is not supportive of regional water system concepts as encouraged by the State Water Plan. The current status is that a report is being prepared summarizing water quality information for the Chief Engineer of the Division of Water Resources. He will consider this additional information in his decision making process.



# KANSAS

## DEPARTMENT OF HEALTH & ENVIRONMENT

BILL GRAVES, GOVERNOR

Clyde D. Graeber, Secretary

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### Briefing on Burton Wastewater Lagoons

Provided by  
Karl Mueldener, Director  
KDHE - Bureau of Water

City Lagoon

February 4, 2000

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February 1999: KDHE issues Directive to City of Burton. City directed to develop options to comply with city wastewater discharge permit. Burton had a poor compliance record with discharge permit. Operational changes with lagoons had not been successful in achieving compliance. Gentleman farming near lagoons periodically complained of ditch or farm field being wet from city discharge.

July 1999: KDHE approved engineering plans for improvements to lagoons. City changed engineers, apparently wanting to explore more options for improvements to lagoons. Improvements are to the lagoons' control structures, inlets and outlets, and are intended to stop short-circuiting of wastewater through lagoons.

Dec 23, 1999: Construction improvements completed at city lagoons.

February 2000: Lagoon discharge will again be sampled when discharge commences. Lagoon water levels were lowered during construction and lagoons now refilling and will eventually start discharging again. Several months will be needed to determine effectiveness of lagoon improvements.

Spring-Summer 2000: KDHE anticipates the City of Burton's discharge permit will be placed on public notice for consideration of re-issuance. Any wastewater permit must be reviewed and acted upon every five years.

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DIVISION OF ENVIRONMENT  
Bureau of Water

Forbes Field, Building 233  
(785) 296-5500

Printed on Recycled Paper

Topeka, KS 66620-0001  
FAX (785) 296-5509

**Site Location:** The site is located in western Harvey County and eastern Reno County approximately 18 mile west of the city of Newton and 12 miles east of the city of Hutchinson. The site includes acreage in Townships 23 and 24 South, Ranges 3 and 4 West.

**Impact/Immediacy:** Presently the contamination site is effecting local domestic and irrigation wells. In the long term the plume will intercept the Wichita Well Field, which is a major source of public supply for much of the population of Sedgwick County. This case is ranked at a high level of immediacy.

**Site Description:** Total maximum area effected by the contamination covers approximately 25 to 30 square miles. The contaminate plume is aligned in a northeast to southwest configuration parallel with the associated producing areas. A water quality-sampling network maintained by the local groundwater management district indicates **oil field brine contamination** of all three major zones within the Equus Beds Aquifer. Depth to groundwater ranges from 10 to 35 feet with saturated thickness in the order of 150 to 250 feet.

**Unusual Problems:** The lack of suitable disposal facilities and the large areal extent of the plume make the clean up of this site very costly. The physical day to day maintenance and monitoring of a withdrawal and disposal system of this size would require a large commitment of labor and resources.

**Status of the Project:** During 1999, commission staff and Bureau of Reclamation began discussions concerning temporarily installing the Bureau's low volume Reverse Osmosis device to test the feasibility and cost associated with this kind of water treatment. The RO test would utilize beneficial use of the contaminated water while simultaneously cleaning up part of the aquifer. Continued partnering and planning is ongoing to move this project into the implementation phase.

**Level of Remediation Sought:**

**Ideal:** 250 ppm Chloride

**Target:** Considering the variable conditions within the aquifer different areas within the contaminate plume would need to be evaluated separately during cleanup to insure that fresh and usable water is not being disposed of needlessly.

**Recommendations for Future Work:** Complete evaluation of existing investigatory and hydrogeologic data. Develop a list of potentially responsible parties and establish commitment for participation in remediation activities. Contract engineering services for design and development of withdrawal and disposal system.

**Estimated Total Cost:** \$2,750,000 to \$3,000,000

Control No.	Staff Hours/Expenditures	Fund Expenditures	
		FY 99/2000	Total
970003-00	301 Hrs. / \$7,177.47	\$3,782.40	\$89,704.43
<p><b>Current Contaminate Level:</b> &lt; 1 ppm to 2285 ppm Cl-</p> <p><b>Status:</b> EB22A      EB4C</p>			
<input type="checkbox"/> 1. Site Assessment	<input type="checkbox"/> 2. Short Term Monitoring	<input type="checkbox"/> 3. Investigation	
<input type="checkbox"/> 4. Long Term Monitoring	<input checked="" type="checkbox"/> 5. Remediation Plan	<input type="checkbox"/> 6. Installation	
<input type="checkbox"/> 7. Remediation	<input type="checkbox"/> 8. Post Rem. Monitoring	<input type="checkbox"/> 9. Resolved	



Ongoing efforts at the Burrton Site :

The Division has just completed the annual water quality sampling and testing of monitoring wells at both the Burrton and Hollow Nickel Sites. The KCC and GMD #2 have cooperatively done this sampling project for the past 3 or 4 years. GMD #2 has collected the samples and KCC pays for laboratory expense out of the Abandoned Well / Site Remediation Fund.

The Division is in the process of working out a contract with U.S. Bureau of Reclamation to do a joint study of costs associated with beneficial use of water from the site. The project would involve pilot testing of reverse osmosis equipment and / or micro filters. The project would carry through the fall of this year. Concurrent with that project the Division plans to conduct further water quality sampling for a suite of organic constituents. We have no firm evidence of a organic constituents associated with this site, but need to confirm that through a sampling program.

The Division is also working with GMD #2 on a monitoring well replacement program. The GMD has approached the KCC with a proposal to fund drilling and construction costs associated with the monitoring network used to help manage the site. The number of wells involved with the Burrton Site would be approximately 20 to 25 wells. GMD #2 would provide personnel to oversee the drilling and construction of the wells. The first part of this effort would begin, at GMD#2's request, this summer.

Following this work we would anticipate starting on actual remediation initially through withdrawal and disposal.



Phone (785) 271-3190  
Fax (785) 271-3357

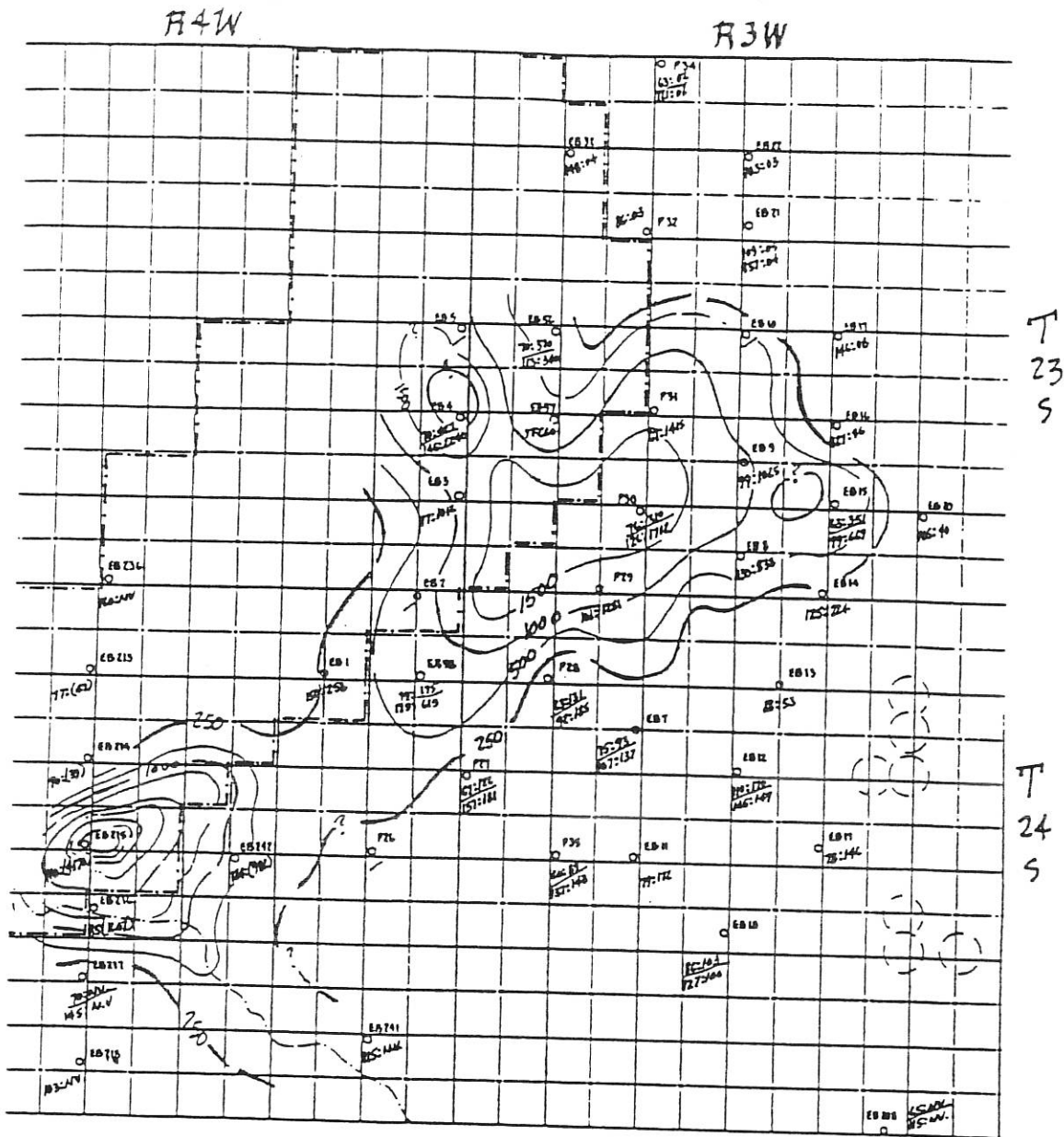
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*Kansas Corporation Commission*

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**Thomas A. Day**  
*Legislative Liaison*

1500 SW Arrowhead Road, Topeka, KS 66604-4027  
[t.day@kcc.state.ks.us](mailto:t.day@kcc.state.ks.us)



**LEGEND**

- EB 15    Monitoring Site
- - -    Oil Field
- Well Field (City of Wichita)

Scale: 1" = 1 MILE

Scale:  
1" = 1/2 Mile

**Kansas Corporation Commission  
Conservation Division**

Site: BURRTON CONTAMINATION SITE  
 County: Harvey & Reno  
 Datum: Chloride Plume, Intermediate Zone  
 Comments: Based on 1992, 1993 & 1995  
Water Quality Data.

Sand  
Pit  
Breaches  
Burton

**From:** "Sunderraj, Sam" <SSunderraj@KDA.STATE.KS.US>  
**To:** "downey@senate.state.ks.us" <downey@senate.state.ks.us>  
**Date:** Thu, Feb 3, 2000 3:28 PM  
**Subject:** Outline of steps to bring North Branch of Kisiwa Creek into compliance

Honorable Senator Downey:

Attached is my write up to address the above.

<<bryantthach.wpd>>

If you have any items that you feel need further ellaboration, please let me know and I will try to address them.

Thanks - Sam  
A. Samuel Sunderraj  
Program Manager  
Water Structures Program

Kansas Department of Agriculture  
Email:ssunderraj@kda.state.ks.us  
Division of Water Resources  
296-3083  
109 S.W. 9th Street, 2nd Floor  
296-1176  
Topeka, KS 66612-1283

Tel: (785)  
Fax. (785)

[http://www.ink.org/public/kda/water/floodplain\\_manager.html](http://www.ink.org/public/kda/water/floodplain_manager.html)

**CC:** "Pope, David L." <DPOPE@KDA.STATE.KS.US>, "Adams, Jamie Clover" <JAdams@KDA.STATE.KS.US>, "Stattelman, Mary Jane" <MSTATTELMAN@KDA.STATE.KS.US>, "Mitchell, Derenda" <DMITCHELL@KDA.STATE.KS.US>, "Darrah, Jean" <JDARRAH@KDA.STATE.KS.US>

February 3, 2000

The North Branch of the Kisiwa Creek, in Harvey county, approaches two non-operational sand dredging pits owned by the Bryants on the north side and the Thachs on the south side. State Laws require the regulation of any modifications to the stream's cross-section (KSA 82a-301) or any fills in the 1% chance precipitation event floodplain of the creek, if the fill is greater than one foot above the existing ground (KSA 24-126). The stockpiles of fill on either side of the creek on both sand-pits are subject to regulation under KSA 24-126. As a result of the stockpiling of material in the floodplain, the creek has breached its banks and now flows into the north sand pit owned by the Bryants. This is subject to the regulations under the Stream Obstructions Act.

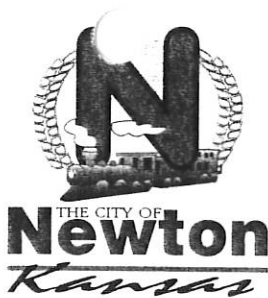
Based on the above, the Kansas Department of Agriculture's Division of Water Resources' (KDA/DWR) staff have inspected the site on numerous occasions and corresponded with the owners of both sand pits.

Enforcement procedures by the KDA/DWR consist of correspondence by program staff with the owner of the site which is found to be in violation of one of the statutes. If that does not bring the situation into compliance, a Notice of Intent to issue an order of the chief engineer is issued by certified mail by the Program Manager. At that stage it is hoped that the owner enters into a consent order with KDA/DWR, and the consent order defines activities and timetables to bring the situation into compliance. If the owner and the KDA/DWR do not enter into a consent order, the Chief Engineer of the KDA/DWR may issue an order to correct the violation.

To date KDA/DWR has issued a Notice of Intent to issue an order (November 10, 1999). Since that time contact has been made with the Thachs and the Bryants. If these contacts do not result in consent orders that address and propose resolution of the violations, a Chief Engineer's order will be issued.

James M. Heinicke  
City Manager

(316) 284-6002  
(316) 284-6090 fax



201 East Sixth • P.O. Box 426 • Newton, Kansas 67114-0426

March 10, 2000

Hon. Sen. Christine Downey  
State Capitol  
Room 126S  
Topeka, KS 66612

Dear Senator Downey,

The City of Newton certainly concurs with your desire to centralize information about pollution in the Equus Beds aquifer. Having a central focal point for data would enable the half million Kansans who drink this water to have somewhat higher degree of confidence that someone is really monitoring problems.

We support SB 625 as being a needed contribution and an important first step toward development of a more coordinated, prioritized effort to address existing pollution problems and threats. In addition, the City Commission believes strongly that we also must take immediate action to stop the potential new threats developing while research is still being done. Accordingly, an adequate moratorium is another essential component, with appropriate additional regulations to then be developed, implemented and enforced.

Thank you for your support and assistance in each of these efforts.

Sincerely,

Jim Heinicke  
City Manager

Cc: Newton City Commission  
Robert Myers, City Attorney  
Keith Lawing, REAP



## THE CITY OF VALLEY CENTER

116 S. PARK, P.O. BOX 188 • VALLEY CENTER, KS 67147  
316-755-7310 • Fax: 316-755-7319

*A Valley Of Progress, A Center of Pride*

March 13, 2000

Senator Christine Downey  
State Capitol Building, Room 126-S  
Topeka, KS 66612-1504

Dear Senator Downey:

Please be advised that the City of Valley Center supports SB 625 designating the Kansas Department of Health and Environment (KDHE) as the agency responsible for identifying existing and potential sources of pollution of the Equus Beds aquifer.

As you are aware, water is of great importance to any community and ensuring its quality for the public health is a vital governmental charge. The City of Valley Center takes seriously its charge of protecting the public health, safety and welfare and operates a municipal water system for this purpose.

Unfortunately, local underground water supplies do not terminate at the City Limits and are therefore not entirely under the supervision of this City Council. To the contrary, many governmental units incorporate the lands above the aquifer, which makes a unified approach or communication difficult. This reality, coupled with numerous commercial and industrial sites, allows for points of contamination outside the control and knowledge of individual communities, which presents an ominous threat to local public safety.

The City of Valley Center applauds the spirit of this bill and encourages the State of Kansas to take a positive and proactive leadership role on this most important item on the public agenda.

If you have any questions or need additional information, please do not hesitate to call upon the City of Valley Center. As this issue is of great concern to our community, we will monitor progress on this issue and take necessary steps to produce positive results.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Pisciotte".

Michael A. Pisciotte  
City Administrator

CC: Honorable Mayor and Council Members

**CITY OF HALSTEAD**

City Administrator (316) 835-5...  
City Attorney (316) 283-1550  
City Clerk (316) 835-2286  
Police Chief (316) 835-2266  
EMS Director (316) 835-2606  
Public Works Director (316) 835-2743  
Recreation Director (316) 835-2517  
FAX (316) 835-2377  
(e-mail) cityclrk@southwind.net

303 Main • P.O. Box 312 • Halstead, Kansas 67056-0312

March 14, 2000

Honorable Christine Downey  
Senator, 31<sup>st</sup> District  
State Capitol Building, Room 126-S  
Topeka, Kansas 66612-1504

Dear Senator Downey,

The purpose of this letter is to inform you that the City of Halstead Governing Body and City staff are strongly in support of Senate Bill No. 625. We present unanimous support for your efforts, both past and present, to centralize and instill accountability for the collection and compilation of the various types of existing and potential groundwater pollution. As you know, the City of Halstead has worked on groundwater pollution issues through your office in the past and the ability to have a centralized mechanism for identifying and tracking pollution, regardless of the source, is very important to all citizens. Frankly, many of us were surprised to hear that the saltwater plume near Burton was a high priority by the KCC. Under present conditions I, and probably most citizens, would have no idea where to look or who to call to discover contamination issues of this nature. Development of a more centralized tracking mechanism makes good sense. It's such a simple plan, many citizens I have visited with were surprised to hear that no such plan is in place.

On behalf of the unanimous consensus of the Governing Body and City staff of the City of Halstead, we urge a favorable review of Senate Bill No. 625.

Sincerely,

Charles R. Bennett  
City Administrator



## City of Sedgwick

511 N. Commercial • P. O. Box 131 • Sedgwick, KS 67135  
Phone: 316-772-5151 • FAX: 316-772-5592

March 13, 2000

Senator Christine Downey  
State Capitol Building  
Room 126-S  
Topeka, KS 66612-1504

Dear Senator Downey:

At the regular meeting on March 6, 2000, by consensus, the Governing Body of the City of Sedgwick voted to support your efforts in introducing and hopefully seeing to completion SB 625. We are in full support of making KDHE the agency responsible for identifying existing and potential sources of pollution of the Equus Beds aquifer. Currently, one has to deal with so many agencies regarding the various issues related to the Equus Beds. There are many cities that rely on the Equus Beds for their community's water supply. To have one agency coordinate information on the Equus Beds would be a definite benefit to all. Your efforts are to be commended.

Sincerely;

Donald K. DeHaven  
Mayor

DKD:jlr





COUNTY COMMISSION

RENO COUNTY  
206 West First Ave.  
Hutchinson, Kansas 67501-5245  
316-694-2929  
Fax: (316) 694-2928  
TDD: Kansas Relay Center 1-800-766-3777

March 8, 2000

The Honorable Christine Downey  
Senator, 31<sup>st</sup> District  
State Capitol Building, Room 126-S  
Topeka, KS 66612-1504

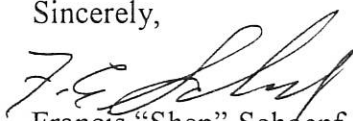
Dear Senator Downey:


The Reno County Board of Commissioners unanimously supports your efforts to consolidate the responsibility for all issues involving the Equus Beds. We have experienced the same frustration as you when trying to address these issues. There are so many different agencies and organizations involved that it becomes impossible to reach consensus on anything. Although each group may be considering a different aspect of the Equus Beds, action cannot be taken on one aspect without that action impacting on something else.

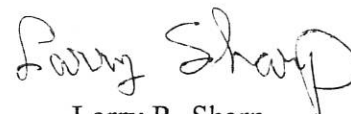
We appreciate your efforts on behalf of all citizens of the State of Kansas to protect our vital water resources. A consolidation of information and responsibility should permit a more concentrated effort to coordinate the various interests and take action. On the other hand, the present dissipation of responsibility has stymied progress and threatened the very resource that we are trying to protect.

For these reasons, the Reno County Board of Commissioners endorses your effort to consolidate the responsibility for the Equus Beds by your introduction of SB 625.

Sincerely,

  
Francis "Shep" Schoepf  
Chairman

  
Frances J. Garcia  
Commissioner

  
Larry R. Sharp  
Commissioner

RESOLUTION NO. 2000 -12

A RESOLUTION URGING THE KANSAS LEGISLATURE TO ENACT THE SECRETARY OF HEALTH AND ENVIRONMENT TO IDENTIFY ALL SOURCES OF EXISTING AND POTENTIAL POLLUTION OF THE EQUUS BEDS AQUIFER AND TO COLLECT AND COMPILER INFORMATION REGARDING SOURCES OF EXISTING AND POTENTIAL POLLUTION AS PER PROPOSED SENATE BILL 625.

WHEREAS, Harvey County has enjoyed a long-standing partnership with the State of Kansas; and

WHEREAS, the location, nature and extent of existing pollution in the equus beds aquifer needs to be identified; and,

WHEREAS, each current or proposed program to regulate or prevent such existing or potential pollution in the equus beds aquifer, and the federal, state or local agency having authority over such program shall be identified; and

WHEREAS, all current or proposed projects for remediation of such existing pollution in the equus beds aquifer, and the estimated cost, source of moneys and time schedule for each project shall be set out;

WHEREAS, all state and local agencies shall cooperate with the Secretary of Health and Environment to collect and compile information pursuant to this section and shall comply with all reasonable requests of the Secretary for that purpose; and

On or before February 1 of each year the Secretary of Health and Environment shall submit to the Senate Standing Committee on Energy and Natural Resources and the House Standing Committee on Environment a summary of the information compiled pursuant to this section

WHEREAS, all information collected and compiled pursuant to this section shall be available to the public in accordance with the open records act.

NOW, THEREFORE, BE IT RESOLVED that the Board of Harvey County Commissioners supports Senate Bill 625, and urges the Kansas Legislature to pass legislation, that the Secretary of Health and Environment shall identify all sources of existing and potential pollution in the equus beds aquifer and shall collect and compile information regarding such existing and potential pollution to all State and Local agencies.

BE IT FURTHER RESOLVED that this act shall take effect and be in force from and after its publication in the statute book.

PASSED AND ADOPTED by the Board of County Commissioners of Harvey County, Kansas, this 6th day of March, 2000.

BOARD OF HARVEY COUNTY COMMISSIONERS  
OF HARVEY COUNTY, KANSAS

(Seal)




Max Graber , Chairman

ATTEST:



Kenneth Meier , Member

  
Margaret Wright, County Clerk



Eugene Wendling, Member



## HARVEY COUNTY, KANSAS

---

**ADMINISTRATION DEPARTMENT**

COURTHOUSE  
P.O. BOX 687  
NEWTON, KANSAS 67114-0687

PHONE: 316-284-6806

FAX: 316-284-6856

March 6, 2000

Christine Downey  
State Senate  
Topeka KS 66612

Dear Senator Downey:

At the County Commission meeting of March 6, 2000, the County Commissioners signed Resolution 2000-12 urging the Kansas Legislature to enact the Secretary of Health and Environment to identify all sources of existing and potential pollution of the equus beds aquifer and to collect and compile information regarding sources of existing and potential pollution as per proposed Senate Bill 625.

A copy of the signed Resolution is enclosed.

Sincerely,

Craig R. Simons  
County Administrator

CRS/s  
Enclosure



THE CITY OF  
**HESSTON**

---

Hesston Municipal Building / 115 E. Smith / P.O. Box 100 / Hesston, KS 67062  
316-327-4412 / Fax 316-327-4595 / <http://www.southwind.net/hesston>

March 3, 2000

Senator Christine Downey  
State Capital Building, Room 126-S  
Topeka, KS 66612-1504

Dear Christine:

I want to enthusiastically support SB 625. I have long held the opinion that there should be a consolidation of authority over water in Kansas. I also believe that the Equus Beds aquifer is unique and deserves special attention due to the sensitive nature of the water supply and the crucial nature of this water source for those dependent on the water.

I understand that SB 625 provides that a single agency be responsible for coordinating and reporting information on the Equus Beds. I fully support this step, and I believe that it will start a positive process to a needed restructuring of water policy and responsibility. Furthermore, good information coordinated without regard to bureaucratic bias will allow for sound decisions on whether to provide special protection of this vital water supply.

I am looking forward to working with you in the future. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "John Carder".

John Carder  
City Administrator

**From:** "City of Park City, Kansas" <econdev@parkcityks.com>  
**To:** "Christine Downey" <downey@senate.state.ks.us>  
**Date:** Mon, Feb 14, 2000 2:26 PM  
**Subject:** City of park City

Dear Senator:

I want to thank you for your efforts in keeping the equus beds aquifer clean for future generations. While attending many EPA CAG meeting of the 57th Street & Broadway site, something became very clear, there was not a clearing house for all pollutants. When we talked to the EPA about petroleum contamination in the area, they would say, the state handles that, not our concern! When we went to the state we found that if it is gasoline pollutant which was caused by a gas station storage tank then you see KDHE underground storage department. If it is an oil pollutant and not gasoline, you see a different department. If the gasoline or oil comes from a pipeline, then you see the Kansas Corporation Commission etc.... There really needs to a clearing house so that KDHE can oversee all pollutants instead of having to go from one department to the next trying to get help. In Park City's case alone, we have all of the above agencies to deal with. From our past experiences we all need to be concern with coastal's pipeline which has petroleum lines that run from Wichita to McPherson through the equus beds. We know that this line has had several leaks, one of which has taken out at least two of our wells in the past. With so many agencies involved, how does the right hand know what the left hand is doing?

Keep up the good work!

Jack Whitson  
Director of Economic Development

Dear Senator Downey:

Thank you for introducing Senate Bill No.625. It makes good sense to designate a single entity to wrestle with the complex problems of pollution related to the Equus Beds. All of central Kansas is threatened by the pollution and the problems won't just go away.

We here in Park City applaud your leadership in attacking this problem. You can count on us as strong supporters of Senate Bill 625.

Sincerely,

Olin R. Hiebert  
Mayor, Park City, KS

**Testimony in Support of Senate Bill No. 625  
Before the Kansas Senate Committee on Energy and Natural Resources  
March 15, 2000**

**Kansas Sierra Club and Kansas Natural Resource Council  
Charles Benjamin, Ph.D., J.D.  
Attorney at Law  
401 Boulder Street  
Lawrence, Kansas 66049**

Mr. Chairman, members of the Committee, thank-you for the opportunity to testify in favor of S.B. 625, on behalf of the Kansas Sierra Club and Kansas Natural Resource Council. The bill would require that the Secretary of the Kansas Department of Health and Environment identify all sources of existing and potential pollution to the equus beds aquifer, compile the information – including efforts and costs of remediation and what local, state or federal agencies are responsible for remediation. In addition, the bill assures that this information is provided to this committee, the House Environment Committee and the general public.

All of the state's groundwater is a precious natural resource to be preserved and protected for our use now and the use of future generations of Kansans. No groundwater resource in Kansas is so widely used as the Equus Beds aquifer. The primary use for the water from the aquifer is for irrigation – much like aquifers in parts of the state further west. What makes the Equus Beds Aquifer unique is that it is also a source of water for drinking and water for industry in the most industrialized and populated city in the state.

The aquifer is subject to many pollution challenges. I have attached a map of the Equus Beds aquifer, provided by the Equus Beds Groundwater Management District No. 2, that shows the current “groundwater management issues” for the GMD. You will see that six major challenges have been identified: 1) oil field brine – from oil drilling practices in the early part of the 20<sup>th</sup> century – primarily in eastern Reno, western Harvey and south-central McPherson counties; 2) natural salinity – especially in Reno County; 3) nitrates especially in southern Reno county; 4) city landfill expansion in north central Sedgwick county; 5) unregulated sand and gravel pits in central Harvey County and 6) extraction of water that exceeds the natural recharge rate in central McPherson county.

Knowledge by state agencies of all actual and potential sources of pollution to the Equus Beds aquifer can lead to better coordination among all state agencies. However, I hope that the bill does not lead to greater state control over local agency efforts to control pollution in the Equus Beds. In my 16 years of experience as a Harvey County Commissioner I found that the board and staff of GMD No. 2 were knowledgeable, capable and dedicated to preserving the integrity of the Equus Beds aquifer. What they need is more financial resources - not more state control.

Thank you for your time and attention.

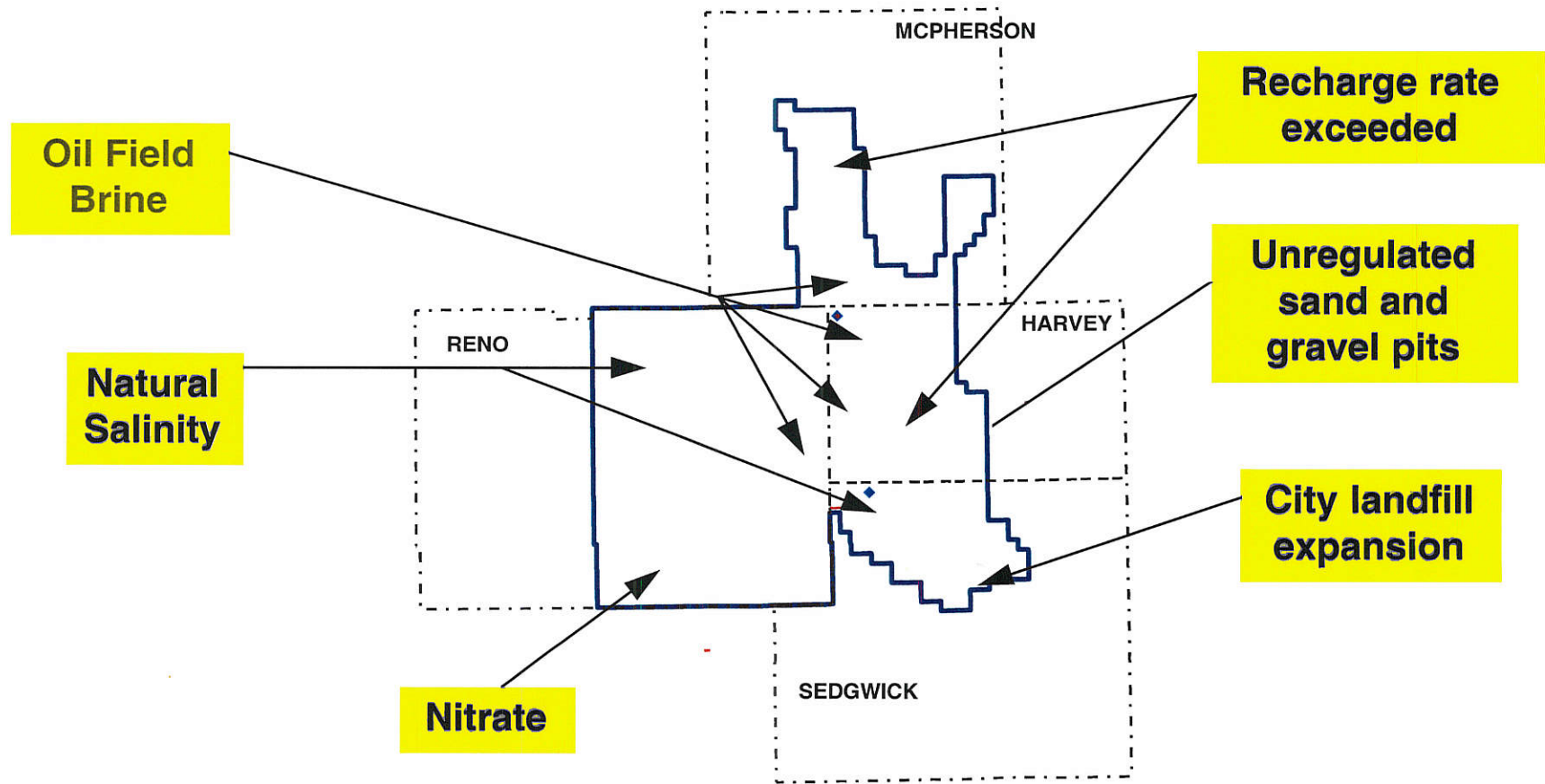
Senate Energy & Natural Resources

Attachment: *2*

Date: *3-15-2000* *2-1*



# Equus Beds Groundwater Management District No. 2 Groundwater Management Issues



Produced using: Windows Hydrologic Evaluation and Analysis Toolkit  
Prepared by: Equus Beds Groundwater Management District No. 2

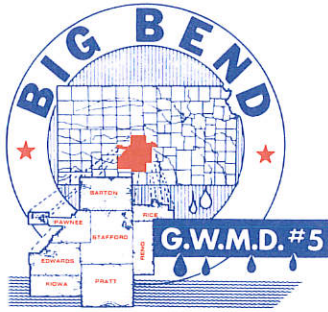
**Testimony in Support of Senate Concurrent Resolution No. 1638  
Before the Senate Energy and Natural Resources Committee  
March 14, 2000**

**Kansas Sierra Club and Kansas Natural Resource Council  
Charles M. Benjamin, Ph.D., J.D.  
401 Boulder Street  
Lawrence, Kansas 66049**

Mr. Chairman, members of the Committee, thank-you for allowing me testify on behalf of the Kansas Sierra Club and the Kansas Natural Resource Council in favor of Senate Concurrent Resolution No. 1638. The resolution is a non-binding request that the Secretary of the Kansas Department of Health and Environment refrain from issuing any further permits for swine operations located over sensitive groundwater areas until such time as the Secretary can be assured by scientific research from the Kansas State University swine lagoon project that the location of swine waste lagoons over sensitive groundwater areas do not pose a threat to those sensitive groundwater areas.

Yesterday we all heard a report from the Kansas State University swine lagoon project about their latest findings. The question today is whether the KDHE Secretary is "assured ... that the location of swine waste lagoons over sensitive groundwater areas do not pose a threat to those sensitive groundwater areas." If not, then you should pass this resolution. The sensitive groundwater areas of this state are too precious to take any chances. Yesterday, Dr. Jay Hamm used the analogy of airplanes when describing lagoon failures. He said "When a 737 crashes we don't ground every 737." We can extend that analogy further by saying that when the scientific data cannot assure us that boarding that 737 is absolutely safe, we might want to make further modifications to the design before allowing hundreds of 737s to take to the skies.

Thank you for you time and attention.



# Big Bend Groundwater Management District No. 5

125 South Main • P.O. Box 7 • Stafford, Kansas 67578 • Phone 316-234-5352

STATEMENT BY  
SHARON FALK, MANAGER  
BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. FIVE  
TO THE  
SPECIAL COMMITTEE ON ENERGY AND NATURAL RESOURCES  
MARCH 15, 2000

Chairman Corbin, and members of the Committee, I thank you for this opportunity to be here today. I am Sharon Falk, Manager for the Big Bend Groundwater Management District No. Five. We are located in south-central Kansas, covering all or part of eight counties. We are not a heavily populated area, however, we feel it is extremely important that we maintain good quality groundwater.

I am here today to make comments in support of Senate Concurrent Resolution No. 1638, a resolution to protect sensitive groundwater areas from swine waste pollution.

Much of Groundwater Management District No. Five is designated as a groundwater sensitive area. We have very sandy soils and shallow water levels. These conditions make this area susceptible to pollution factors. It has already been determined by some of the research being conducted by K-State that there is a tremendous variation in the physical environment in the State of Kansas and that site specific risk assessments be conducted.

Although this resolution addresses protection from swine waste pollution, we are just as concerned with all waste storage facilities in these groundwater sensitive areas. The Board of Directors is not against economic development. Protection of the water supply promotes economic stability.

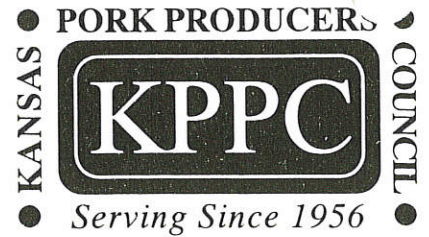
In closing, the Board of Directors request that consideration be given to all groundwater sensitive areas, as we are all in the business of protecting our state's water supply.

Thank you very much Mr. Chairman for the opportunity to appear before you today. This concludes my comments. I will be happy to answer any questions you might have.

Senate Energy & Natural Resources

Attachment: 3

Date: 3-15-2000



## Testimony in Support of SB No. 625

### Presented on behalf of the Kansas Pork Producers Council

Chairman, members of the committee, I am Mike Jensen. I serve as Executive Vice-President of the Kansas Pork Producers Council. Our membership produces the overwhelming majority of the pork in this state.

Of all the bills and resolutions introduced this session to “punish” the pork industry in our state, only one stands out to serve as a model to work towards protecting our environment. We believe SB 625 is that one. The concepts embodied in SB 625 deserve to be implemented. The swine industry will be a willing partner in protecting our environment, while serving as a food production base that feeds over 10 million people annually in concert with our environment.

This bill cuts thru all the rhetoric and asks all responsible parties to cooperate towards a common goal. We applaud the efforts encompassed in this bill to help bring closure to some of the finger pointing. It serves as a positive example of what can be accomplished in working together to protect our environment and feeding the world.

Senate Energy & Natural Resources

2601 Farm Bureau Road • Manhattan, Kansas 66502 • 7

FAX 785/776-9897 • E-mail: [KPPC@flinthills.com](mailto:KPPC@flinthills.com)

Attachment: 4

Date: 3-15-2000 41



## **Testimony in Opposition to SCR No. 1638**

### **Presented on behalf of the Kansas Pork Producers Council**

Chairman, members of the committee, I am Mike Jensen. I serve as Executive Vice-President of the Kansas Pork Producers Council. Our membership produces the overwhelming majority of the pork in this state.

SCR 1638 embodies one of the least plausible ideas yet floated to protect our environment. While it's apparent broad Senatorial support may on the surface indicate the need for passage, our producers feel otherwise. The swine industry is virtually alone in it's environmental scrutiny in agricultural. We produce a nutritious, wholesome product in concert with the environment.

We alone, have to have nutrient management plans, specie specific statues and regulations, and always seem to be under the threat of a "moratorium". Many of the 27 percent of our producers who exited the swine industry in the last year did so in the face of the worse economic times we have ever faced. However, they also expressed their unified agreement that they don't feel the State of Kansas wants them. One producer recently related his frustrations by saying "Name me the last year Topeka hasn't threatened us with a moratorium!" In reality it has probably been four years, but to the producers of this state it seems like a lifetime.

Just as we have seen in the past days, yet another KSU lagoon report comes back without placing blame on the swine industry, and in fact shows a municipal lagoon and its sludge responsible for a pollution threat. Please send the producers of this state a message that you too, are satisfied they are doing a excellent job protecting the environment. They need desperately to hear that the swine industry will not be singled out for unwarranted punishment.



# PUBLIC POLICY STATEMENT

## SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

**RE: SCR 1638 - Requests that KDHE refrain from issuing any further permits for swine operations located over sensitive groundwater areas.**

**SB 625 – Provides for collection of data and information regarding sources of existing and potential pollution of the Equus Beds aquifer.**

**March 15, 2000  
Topeka, Kansas**

**Presented by:  
Bill R. Fuller, Associate Director  
Public Policy Division  
Kansas Farm Bureau**

---

Chairman Corbin and members of the Senate Committee on Energy and Natural Resources, my name is Bill Fuller. I serve as the Associate Director of the Public Policy Division for Kansas Farm Bureau. We appreciate this opportunity to express the views of the farm and ranch members of the 105 county Farm Bureaus on these important water quality measures.

### **Senate Concurrent Resolution 1638:**

SCR 1638 requests that the KDHE not issue any further permits for swine operations located over sensitive groundwater areas until such time it can be assured by scientific research from the K-State swine lagoon project that there would be no threat to groundwater.

Senate Energy & Natural Resources

Attachment: 5

Date: 3-15-2000

Kansas Farm Bureau member-adopted policy opposes establishing a moratorium on any agricultural operation:

***“We oppose the imposition of a moratorium on the development of any agricultural crop or livestock production facility or operation.”***

Even though the 31 co-sponsors of SCR 1638 are sincere and well-intended, we suggest their concern is unwarranted. We must oppose the proposal and respectfully ask that the resolution not be approved for a number of reasons:

1. The Secretary of KDHE has the statutory authority to impose special conditions on permits to adequately protect the environment and water quality in sensitive or high-risk areas.
2. During 30 years of administering the laws and regulations on confined livestock operations, not one livestock lagoon in Kansas has been identified as a source of groundwater contamination.
3. The ongoing K-State Lagoon Study, while stressing good management, has not identified shortcomings in the statutes, regulations or design standards.

### **Senate Bill 625:**

SB 626 calls for the collection and compilation of certain data and information regarding sources of existing and potential pollution in the Equus Beds aquifer.

KFB policy adopted by the farm and ranch members includes these important provisions concerning environmental standards and natural resource protection:

- ***“Any legislation that is enacted or any environmental regulations which are proposed for promulgation must be based on: factual information, scientific knowledge and economic impact studies.”***
- ***“More money should be appropriated from the existing State Water Plan Fund for cost-sharing of land treatment for highly erodible lands, construction of livestock waste management facilities, plugging abandoned wells and upgrading rural septic systems.”***

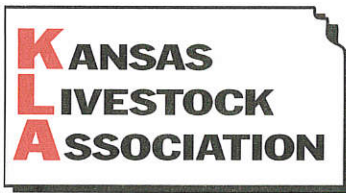
- ***“An increased focus and allocation of resources should be directed at developing crop and livestock management practices, which protect natural resources, the agricultural economy and opportunity for continued use of crop and livestock protection products.”***

Farm Bureau supports SB 625 and encourages you to advance the measure with a favorable recommendation to the full Senate. Our support is based upon our member's desire to protect water quality with laws and regulations that are based upon sound science and practical research, rather than a result of fear and emotion.

**Summary:**

Thank you for considering Farm Bureau's position on these two measures. We encourage you to not approve SCR 1638. We ask you to approve and advance SB 625. Our requests are based upon policy developed and adopted by the members of Farm Bureau.





Since 1894

Testimony  
Presented by

Rich McKee  
Executive Secretary, Feedlot Division

Regarding

## Senate Concurrent Resolution 1638

Before the

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

March 15, 2000

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 7,000 members on legislative and regulatory issues. KLA members are involved in all segments of the livestock industry, including cow-calf, feedlot, seedstock, swine, dairy and sheep. In 1998, cash receipts from agriculture products totaled over \$8.9 billion, with nearly fifty-five percent of that coming from the sale of livestock. Cattle represent the largest share of cash receipts, representing ninety percent of the livestock and poultry marketings.*

\*\*\*\*\*

Mr. Chairman and members of the committee, we appreciate the opportunity to express the position of the membership of the Kansas Livestock Association on this bill. We do not support SCR 1638.

This resolution urges the Kansas Department of Health and Environment (KDHE) to impose a moratorium on any further permits for swine operations located over sensitive groundwater areas. Simply said, we do not believe a moratorium is the best way to address concerns over improving the way we protect water quality. Secondly, under current law we believe if a proposed application posed a real and significant threat to groundwater, KDHE would not issue the permit. If the committee were to seriously consider this bill we would ask you to clarify if this bill would also apply to the renewal of permits.

Rather than pass this resolution, we think a more prudent approach would be to closely analyze the research being conducted by Kansas State University to see what, if any, additions can be made to existing regulations.

Senate Energy & Natural Resources

Attachment: 6

Date: 3-15-2000



Since 1894

**Testimony**

Presented by

**Rich McKee**

Executive Secretary, Feedlot Division

Regarding

**Senate Bill 636**

Before the

**SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES**

**March 8, 2000**

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 7,000 members on legislative and regulatory issues. KLA members are involved in all segments of the livestock industry, including cow-calf, feedlot, seedstock, swine, dairy and sheep. In 1998, cash receipts from agriculture products totaled over \$8.9 billion, with nearly fifty-five percent of that coming from the sale of livestock. Cattle represent the largest share of cash receipts, representing ninety percent of the livestock and poultry marketings.*

\*\*\*\*\*

Mr. Chairman and other members of the committee, we appreciate the opportunity to express the position of the membership of the Kansas Livestock Association on this bill. We do not support this proposal.

Livestock producers are the original environmentalists. They understand first-hand the importance of caring for the environment. That is why livestock producers are willing to take extra steps to protect the environment, including accepting additional regulations as long as these regulations are reasonable and based on science.

The moratorium that would be created by Senate Bill 636 is neither reasonable nor based on science. At this point the results from the research being conducted by Kansas State University has not indicated the need for a moratorium. The next report from this ongoing research is scheduled to be presented to the Kansas legislature on March 14<sup>th</sup>.

6-2  
~~6-2~~

# LEGISLATIVE TESTIMONY



2300 SW 29th St., Topeka, KS 66611 ♦ 785-267-2936 Fax 785-267-2959 ♦ E-mail: janetstubbs@worldnet.att.net

## SENATE ENERGY AND NATURAL RESOURCES COMMITTEE March 15, 2000

Good morning, Mr. Chairman and members of the Committee:

I am M. S. Mitchell, Legislative Chair for the Kansas Building Industry Association, appearing this morning to tell you that the members of this Association support the scientific research required by Senate Bill 625 and concur with aims contained in the Resolve of Senate Concurrent Resolution No. 1638, but we oppose provisions of Senate Bill 636 which place a moratorium on construction of residential "waste water treatment facilities" in what is termed "the equus beds region" of the state for the following reasons.

First: There is no clear line of demarcation for what is broadly termed the "equus beds region". We do not believe that local departments of health or elected officials are likely to interpret the boundaries of the "equus beds region" with enough consistency to make it possible to do the planning for land development and residential construction if the provisions of Senate Bill 636 are made law.

Second: There is no scientific evidence that residential "waste water treatment facilities" such as septic tanks or single lot residential sewage lagoons have had any adverse effect on groundwater supplies in the "equus beds region".

Third: If the main culprit is lagoons, and if single lot residential sewage lagoons are being lumped in with "swine waste retention lagoons", then there is a misunderstanding of where single lot residential lagoons are used. It has been said that the "equus beds region" is at risk because its soils are extremely pervious and that the level of groundwater is near the surface. These are precisely the soils where septic tanks are the approved residential on-site "waste water treatment facility" so that treated liquids can be percolated away from the septic tank leach fields. But the same regulations require that there be a separation between the leach fields and the groundwater level (10 feet in Sedgwick County). Residential sewage lagoons are only required for those areas where percolation tests have proven the soil too impervious for septic tank use. There is no conflict between the goal of protecting the water supply and use of single lot residential "waste water treatment facilities" in the "equus beds region", regardless of how it is defined.

Fourth: While we do not feel qualified to judge the importance of keeping hog farms away from parts of Kansas deemed not compatible with such concentrated and toxic wastes, we do not agree with those who would

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deify the groundwater in the "equus beds region" and to exaggerate the long-term consequences of permitting agricultural, residential or industrial waste water facilities without first having devised a fool proof solution for keeping those wastes out of the groundwater. We trust the Kansas State University research program will devise practical and effective ways of treating concentrated agricultural wastes just as has been done for municipal and industrial wastes.

Mr. Chairman, the position of the Kansas Building Industry is that no legislation that places a moratorium on residential or municipal waste water treatment facilities is justified and we ask for your Committee to reject Senate Bill 636 and favorably consider Senate Bill 625 and Senate Concurrent Resolution 1638.

**Testimony Concerning SCR 1638**

**Ken Goodyear, Dwight**

**Mr. Chairman and members of the committee. My name is Ken Goodyear. I have been involved in the swine industry for over 25 years. My operation is located in Geary County.**

**My family lives at the swine unit and I can assure you, we utilize the best possible management practices to ensure our water quality. We have always strived to be good environmental stewards and have worked closely with our consultants in animal nutrition, agricultural engineering and agronomy. Our goal is to maximize the productivity of our farm while protecting our watershed.**

**As I read through this document, it seems the Kansas Senate is placing the blame for the state's water quality issues squarely on the shoulders of a small number of pork producers who have operations within the boundaries you've designated as sensitive groundwater areas. These producers are being considered guilty before you're even done gathering the data for the trial.**

**As K-State's lagoon study continues to show, Kansas swine operations have engineered their manure stabilization facilities to meet the state's regulations and are exceeding these performance standards.**

**I also believe Kansas Ag Statistics data will point out a dramatic decrease in the number of swine producers in south-central and western Kansas in recent years. I would really question the link between pork producers who no longer have any animals on their farm and increased nitrate levels in wells in the area.**

**Pork producers are some of the quickest adopters of technology within our state. We have continually shown our willingness to work within the bounds of science and have lived by the philosophy that the water of our state is ours to share and protect.**

**My operation supplies a healthy product to people around the world. In doing so, it also produces a by-product which can be used as a substitute for commercial fertilizer to produce crops. If managed properly, this is a sustainable system which can be handed from generation to generation.**

**Please explore all the facts before you legislate the next generation of pork producers out of business.**

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# Kansas Society of Professional Engineers

*A state society of the National Society of Professional Engineers*

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Testimony of Kansas Society of Professional Engineers  
Presented by Ron Gaches, Executive Vice President  
In support of Senate Bill 625  
Regarding Potential Pollution of Equus Beds

Before the Senate Energy and Natural Resources Committee  
Wednesday, March 15, 2000

The Kansas Society of Professional Engineers (KSPE) policy regarding Confined Livestock Feeding Operations reads:

“The livestock industry is one of the largest industries in Kansas and accounts for approximately one fourth of the gross state product. The wastes generated by this industry are both a valuable resource and a potential source of pollution. This industry has an impact on the economic and environmental health of the state. KSPE believes that adequate resources should be allocated to state agencies to implement educational, planning, technical and regulatory programs that provide appropriate environmental protection. Emphasis should be placed on comprehensive nutrient management planning; implementation of proven technology; and research to resolve issues associated with odor, gas and particulate emissions and surface and ground water pollution.”

The KSPE policy regarding Hazardous Waste Management reads in part:

KSPE supports “promotion of pollution prevention, waste minimization, recycling and other detoxification strategies to eliminate the production and/or formation of hazardous waste.

KSPE believes that passage of SB 625, providing for the collection and compilation of information regarding existing and potential pollution of Equus, would be consistent with our position to promote fact-based consideration and design of appropriate environmental protection for the state. Consistent with these policies we encourage your favorable action on SB 625.

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SEDGWICK COUNTY, KANSAS

## GOVERNMENT RELATIONS

MARCI HESS, DIRECTOR

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### SENATE ENERGY & NATURAL RESOURCES COMMITTEE TESTIMONY ON SB 625

March 15, 2000

Senator Corbin and committee members:

I am speaking on behalf of the Board of Sedgwick County Commissioners. Sedgwick County supports SB625. In light of the many concerns about groundwater contamination in the equus beds region, we believe this bill will provide useful information to our four-county area as we address the important issue of groundwater preservation.

We recognize there are many sources that contribute to groundwater contamination. Our platform states our support of reasonable regulations, which are scientifically based, and which protect the quality and quantity of the water supply. Such regulations should take into account a cost/benefit analysis and should not be duly restrictive. We also support legislation that protects sensitive groundwater areas from possible contamination. To ascertain appropriate regulations and identify patterns or trends of pollution will require the efforts of multiple agencies. This bill provides the venue for coordinating those agencies.

SB625 will enable lawmakers and agency officials to prioritize and rank projects. Since the information obtained from its enactment will help to identify trends in pollution, it will also serve to encourage responsible practices and diminish future hazardous threats to the equus beds region. It will help state and local officials to budget accordingly and it will coordinate governmental agencies that need to be involved with reclamation and remediation projects.

Clean water is a high priority for the citizenry, the communities, and the government of Sedgwick County. The equus beds aquifer provides drinking water for over 500,000 people either through public water supplies or private wells. We support the compilation of pollution data regarding the equus beds, and we ask that you support this legislation as well.

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