

## MINUTES OF THE HOUSE ENVIRONMENT COMMITTEE

The meeting was called to order by Chairperson Joann Freeborn at 3:30 P.M. on January 25, 2005 in Room 231-N of the Capitol.

All members were present.

## Committee staff present:

Raney Gilliland, Legislative Research Department  
Emalene Correll, Legislative Research Department  
Lisa Montgomery, Revisor of Statutes Office  
Pam Shaffer, Committee Secretary

## Conferees appearing before the committee:

David Breen, Executive Director, Kansas Water Congress  
Roderick Bremby, Secretary, Kansas Department of Health and Environment

## Others attending:

See attached list.

Chairperson Joann Freeborn called the meeting to order.

The Chairperson announced there will be a hearing on **HB2052 - Changes definition of uncontaminated soil in the solid waste statutes** on January 27.

The Chairperson asked if anyone had a bill request at this time. No one came forward.

Chairperson Freeborn welcomed David Brenn, Executive Director, Kansas Water Congress to provide an overview of the Kansas Water Congress. The KWC is a non-for-profit, fee funded entity separate and distinct from existing state agencies, associations, other organizations and direct political affiliation. The 2005 goals are: (1) The 2005 Legislative Session will be an opportunity to communicate the role and function of the KWC and provide a resource of objective information and facts on water issues facing the State. Provide an opportunity for forum on issues based on request of the membership, legislature or administration. (2) Continue to help facilitate each of the 29 statewide Divisions, in the process of establishing their governance. (3) Separate meeting/teleconferences of the Geographic, Groundwater Management, General Divisions and State Affairs Committee are being scheduled for 2005. (4) Continue to expand both sustaining and individual membership across the State by focusing on each of the 29 Divisions and the water issues relevant to them. (5) Continue to utilize periodic newsletter, e-mail and regular mail to update and inform membership on relevant water related issues and activities of the Congress. (6) The KWC will continue to work with the Community College system, Kansas State University and other regent institutions to provide educational and enlightenment opportunities on water issues relevant to the State of Kansas. (See attachment 1) Mr. Brenn had a handout for the members of the Committee which was passed out (See attachment 2) Committee questions and discussion followed.

Chairperson Freeborn thanked Mr. Brenn for his review.

Chairperson Freeborn welcomed Roderick Bremby, Secretary, Kansas Department of Health and Environment to provide an overview of the Kansas Department of Health and Environment. The mission of the Division of Environment is protecting public health and environment for Kansas. To implement this mission, the Division of Environment had adopted the following goals: (1) Implement environmental programs in Kansas to achieve regulatory compliance and maintain an assurance that environmental programs are protective of public health and the environment. (2) Be responsive to the needs and inquiries of the citizens of Kansas and the regulated community with respect to environmental programs. (3) Provide citizens of the state with accurate assessments of the environmental conditions of the state. In order to fulfill this mission and meet these goals the Division of Environment has developed and implemented regulatory, compliance assistance, monitoring and educational programs within each of the bureaus and the division as a whole. (See attachment 3) Mr. Bremby passed out a pamphlet, Service Guide to the Division of Environment, which is not attached to these minutes.

CONTINUATION SHEET

MINUTES OF THE House Environment Committee at 3:30 P.M. on January 25, 2005 in Room 231-N of the Capitol.

Committee questions and discussion followed.

Chairperson Freeborn thanked Mr. Bremby for his review and ask that he introduce the staff which where with him, they were, Ron Hammerschmidt, Director of the Division of Environment, Dr. Duane Boline, Doctor over Division of Health and Environmental Laboratories and Susan Kang, Director of Policy of KDHE.

The meeting adjourned at 4:36. The next meeting is scheduled for Thursday, January 27.

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: 01/25/05

NAME	REPRESENTING
Dave Brown	Ka Water Congress
Janet Tolra	Ks Water Congress
Tom Caches	GBBA
Pat Rehman	GMD-4
Tom Hammerschmidt	KDHE
Danne Boline	KDHE
David Marker	Intern Rep. Powell
Rick Grose	KBIA
Wendy Malina	KAPA - KRMCA
Wendy Hessel	<del>KBIA</del>
Ron Seeber	High Law Firm
SEAN MILLER	KS Dairy Assn
RICHARD STANBACH	WICHITA AREA BLDG ASSN.
M.S. Mitchell	Kansas Building Industry Assn
Thomas Baalman	Wichita Area Builders Assoc
Doug Smith	Garden City Co.
Amy Shaverdi	PMCA
Charles Benjamin	KS Sierra Club

PRESENTATION OF THE  
KANSAS WATER CONGRESS

SUBMITTED TO THE

HOUSE ENVIRONMENT COMMITTEE

REPRESENTATIVE JOANN FREEBORN, CHAIRMAN

JANUARY 25, 2005

Kansas Water Congress, Inc.  
816 S.W. Tyler  
Topeka, KS 66612  
785-290-0003  
620-287-4541  
dbrenn@gcnet.com



Representative Freeborn, Members of the Committee and other interested parties. I am Dave Brenn and I am here today as Executive Director of the Kansas Water Congress.

Thanks you, for your invitation and opportunity to appear before this group and inform the committee about the Kansas Water Congress. It was just a year ago, almost to the date, that I first appeared before this committee to inform and introduce the Congress to the Committee.

The Kansas Water Congress is a non-for profit, fee funded entity separate and distinct from existing state agencies, associations, other organizations and direct political affiliation.

The members of the Kansas Water Congress come from every watershed and represent every type of water user in the state and recognizes the necessity for the unity of purpose and objective in supporting the formation and execution of a stable water policy for a unified State of Kansas. The Board of Directors is composed of 29 members established from 12 geographic and 17 general Divisions, representing a broad based statewide governance.

In recognition of the fact that utilization of the State's limited and precious water resources will fix the limits of greatness which the State can attain in the future, the Congress is dedicated to the end that both commerce and conservation are key components to the responsible development, protection, and management of our water resources.

The Kansas Water Congress recognizes the significant importance and need to achieve harmony between the water resources and other natural resources of the State, and strive to insure a quality environment in Kansas.

#### OBJECTIVES AND PURPOSES:

The objectives of the Congress shall be to bring about institution and advancement of programs for the conservation, development, and protection of the water resources of the State of Kansas and fully recognize the role and function of existing State agencies and Districts related to water resources.

In support of this the Congress:

- Provides a forum where the water users strive to reach consensus on water issues;
- Pro-actively advocate positions on water policy;
- Promotes and advocate forums for interactions between water related state agencies, water districts, private sector and facilitate cooperation and efficiency in the process;
- Provide education and information on water issues affecting Kansas;
- Promote a board base of membership, which includes both sustaining and individual members representing a diversified base of water interests and users.

In furtherance of these objectives, the Congress cooperates with and supports organizations working for the same general objectives. It shall provide its membership with a forum for the discussion of water issues to the end that, where possible, conflicts among water users may be resolved through the medium of mutual discussion of the facts and proposed solutions. It shall provide, to the greatest extent possible, information for the education of its membership and for the enlightenment of the people of the State, to that end that the people will, through the democratic process, insist upon and support a well defined and strong state water program.

Based on development of fact, dissemination of information, opportunity for productive forum, resolution of conflicts, and the democratic process, the Congress shall make its influence felt in each area of public authority over water matters.

The Kansas Water Congress was incorporated in February 2003. Since that time significant progress has been made in the development of the Congress, which include:

- Opening of our Topeka office in May 2003. Our office is located in the Association Office building at 816 SW Tyler, Topeka, Kansas 66612.
- On May 28, 2003 we held our first statewide Kansas Water Congress meeting at the Rolling Hills Zoo Conference Center near Salina, Kansas. About 70% of the divisions were represented for the orientation and discussion session
- Numerous informational presentations have been made to general groups, existing statewide associations, government agencies and individuals.
- The Initial Directors and Steering Committee for the 29 statewide Divisions of the Congress was established.

This group is key to the organizational development of the Congress as we move into and through 2004.

- Founding, sustaining membership and sponsorship has been received from 38 separate entities to help fund the Congress. Additional funding through individual, sustaining and founding memberships is being sought and encouraged.
- The Congress has initiated a grant application process to seek additional funding sources.
- The Management/Executive Committee of the Congress has met or teleconferenced 6 times during 2004 to conduct business and review status and direction of the Congress.

- Over 50 persons attended and participated in the Kansas Water Congress' 1st Winter Annual Meeting held March 11, 2004 at Lawrence, Kansas. Virtually every Geographic Basin Division, several Watershed Districts, along with most of the other statewide divisions of the Congress including, Commerce and Industry, Engineering, Legal, Wildlife, Government, Agriculture, Banking/Financial, and Municipal East of Highway 81 were also represented. It was good to see many of the Basin Advisory Chairpersons and all of the Groundwater Management Districts in attendance and represented. Statewide Associations represented included the Kansas Bankers Association, Kansas Farm Bureau, Kansas Natural Resource Council, Kansas Livestock Association and Kansas Grain and Feed Association. The current Chairman of the Kansas Water Authority, Mr. Steve Irsik and Immediate Past Chairman Mr. Kent Lamb as well as Senator Janis Lee, Representative Joann Freeborn and Representative Ward Loyd also were in attendance. The Kansas Geological Survey, State Conservation Commission, Kansas Division of Water Resources, Kansas Department of Health and Environment and Kansas State University Research and Extension were also represented.
- The First Annual Summer Conference of the Kansas Water Congress, entitled "Water forums for the Future" were held August 12 and 13, 2004, at Garden City Community College, Garden City, Kansas. The event was well attended both days with a diverse representation of water interest from across the state. All 29 divisions of the Congress were represented by members or interest parties. Panelists and participants consisted of leaders in the Kansas legislature, financial, industrial, municipal, and agricultural interests as well as federal, state and local government. Panel discussions included issues relative to: 1) Ogallala Aquifer Management and Protocol 2) The importance of Commerce Relative to Public Policy on Water 3) Public Water Supplies 4) Irrigated Land Transition and 5) Legislative Panels.
- Kansas Water Congress held their Winter Annual Meeting January 10, 2005 in Topeka. Over 50 were in attendance. Kansas Water Congress State Affairs Committee policy and bylaw was formalized. Agency heads including David Pope, Kansas Division of Water Resources, Tracy Streeter, Kansas Water Office, and Greg Foley, Director of Soil Conservation Commission were available to present chronology and status on 1) ITAP 2) Kansas vs. Colorado Litigation Funds 3) Unfunded liability for storage in federal resources in Kansas

#### 2005 Goals

- The 2005 Legislative Session will be an opportunity to communicate the role and function of the Kansas Water Congress and provide a resource of objective information and facts on water issues facing the State. Provide opportunity for forum on issues based on request of the membership, legislature or administration.
- Continue to help facilitate each of the 29 statewide Divisions, in the process of establishing their governance.

- Separate meeting/teleconferences of the Geographic, Groundwater Management, General Divisions and State Affairs Committee are being scheduled for 2005.
- Continue to expand both sustaining and individual membership across the State by focusing on each of the 29 Divisions and the water issues relevant to them.
- Continue to utilize periodic newsletter, e-mail and regular mail to update and inform membership on relevant water related issues and activities of the Congress.
- The Kansas Water Congress will continue to work with the Community College system, Kansas State University and other regent institutions to provide educational and enlightenment opportunities on water issues relevant to the State of Kansas.

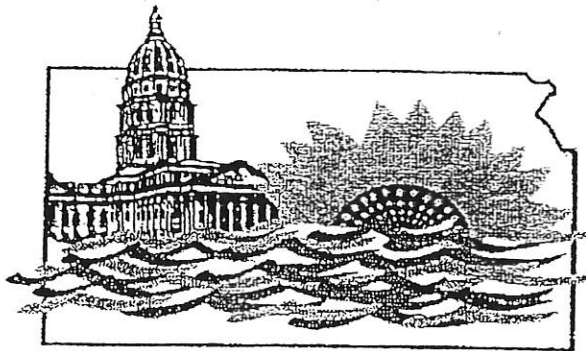
Thank you for your interest and support of the Kansas Water Congress.

David A. Brenn  
Executive Director  
816 SW Tyler  
Topeka, KS 66612  
Phone: 785-290-0003  
Fax: 785-290-0004  
Cell: 620-287-4541  
dbrenn@gcnet.com

<http://www.gmd3.org/KansasWaterCongress>

AP 2

# -Kansas Water Congress-



-Helping protect and shape Kansas'  
water policies and laws-



**THE KANSAS WATER CONGRESS  
INITIAL DIRECTORS**

**DAVID A. BRENN  
GARDEN CITY KS.**

**KEN FRAHM  
COLBY KS.**

**ROBIN JENNISON  
TOPEKA KS.**

**KENT LAMB  
MACKSVILLE KS.**

**SEN. JANIS LEE  
KENSINGTON KS.**

**REP. WARD LOYD  
GARDEN CITY KS.**

**HARLAND PRIDDLE  
BURRTON KS.**

**RICHARD REINHARDT  
ERIE KS.**

**PAUL TOBIA  
WICHITA KS.**

**CHRIS WILSON  
WAMEGO KS.**

**HANNES ZACHARIAS  
OLATHE KS.**

*-The Concept-*

# Kansas Water Congress



---

## *-Mission-*

*The mission of the Kansas Water Congress will be to promote the wise management and stewardship of the State's water resources and to protect, conserve, and develop Kansas Water resources for the benefit of Kansas' present and future generations.*

The Kansas Water Congress is a non-for profit, fee funded entity separate and distinct from existing state agencies, associations, other organizations and direct political affiliation.

In support of the mission the Congress will:

- Provide a forum where the water users strive to reach consensus on water issues;
- Advocate positions on water policy;
- Promote and advocate interactions between water related state agencies, water districts and facilitate cooperation and efficiency in this process;
- Provide education and information on water issues affecting Kansas;
- Promote a broad base of membership, which would include both sustaining and individual members representing a diversified base of water interests and users.

## *-Governance-*

A board of directors will govern the Kansas Water Congress with representatives from throughout the state. The Congress' main involvement in Kansas water resources are:

- State water related legislation and issues;
- Federal water related legislation and issues affecting Kansas;
- Water education;
- Help in protecting and shaping Kansas' water policies and laws.

The staff will initially be comprised of an executive director, assistant, and minimal support staff when needed. Staff requirements will need to be flexible and adjustable particularly during startup and development of the Congress.

## Kansas Water Congress Founding and Sustaining Members

Big Bend GMD #5  
Brookover Companies  
Centera Bank  
Equus Beds GMD #2  
Gigot Aqua Solutions, Inc.  
Henkle Drilling and Supply  
Kansas Agribusiness Retailer Assn.  
Kansas Bankers Association  
Kansas Dairy Commission  
Kansas Farm Bureau  
Kansas Grain and Feed Assn.  
Kansas Livestock Association  
Kansas Outdoors, Ltd.  
Northwest Kansas GMD #4  
Reeve Cattle Co.  
Rooney Agri-Business  
Rooney Ranch, Inc.  
Southwest Kansas GMD #3  
Southwest Kansas Irrigation Assn.  
Sunflower Electric Power Corp.  
T. Bogner Farms  
The Garden City Company  
Western Beverage Inc.  
Western Kansas GMD #1  
Western Sprinkler's Inc.  
WindRiver Grain  
Woofter Pump & Well, Inc.  
Wright Water Engineers, Inc.

## Kansas Water Congress Summer Meeting Local Sponsors

American Implement  
Brookover Companies  
Centera Bank  
Circle Feeders, Garden City  
Gigot Aqua Solutions, Inc.  
Golden Rule, Johnson  
Henkle Drilling  
Hoskinson Implement, Sublette  
Kansas Bank Corporation  
Teeter Irrigation  
Western Bank

Kansas Water Congress  
Initial Directors and Steering Committee Members

Geographic Divisions:

David Light, representing the Cimarron Water Basin - Rolla, KS  
Senator Mark Taddiken, representing the Kansas Lower Republican - Clifton, KS  
Kent Lamb, representing the Lower Arkansas Water Basin - Macksville, KS  
Jim Tripplett, representing the Neosho Water Basin - Pittsburg, KS  
Keith Karnes, representing the Smokey Hill / Saline Water Basin - Oakley, KS  
Senator Janis Lee, representing the Solomon Water Basin - Kensington, KS  
Randy Hazlett, representing the Upper Arkansas Water Basin - Lakin, KS  
Ken Frahm, representing the Upper Republican Water Basin - Colby, KS  
Richard Porter, representing the Walnut Basin - El Dorado, KS  
Richard Felts, representing the Verdigris Basin - Liberty, KS  
Jeff Grossenbacher, representing the Missouri Water Basin - Bern, KS  
Howard Woodbury representing Marais Des Cygnes Basin - Quenemo, KS

Groundwater Management Districts:

Greg Graff, representing Groundwater Management District #1 - Marienthal, KS  
Bob Seiler, representing Groundwater Management District #2 - Valley Center, KS  
Jay Houstma, representing Groundwater Management District #3 - Syracuse, KS  
John Friesen, representing Groundwater Management District #4 - Colby, KS  
Ed Schultz, representing Groundwater Management District #5 - Arlington, KS

General Divisions:

Hannes Zacharias, representing Municipal East of Highway 81 - Olathe, KS  
Chris Wilson, representing Agriculture East of Highway 81 - Belvue, KS  
Jon Callen, representing Energy and Mining - Wichita, KS  
Kevin Shamburg, representing Engineering - Salina, KS  
Dennis Lull, representing Financial - Salina, KS  
Tracy Streeter, representing Government - Topeka, KS  
Pam Reiz, representing Industrial and Commercial East of Highway 81 - Wichita, KS  
Paul Tobia, representing Industrial and Commercial West of Highway 81 - Wichita, KS  
David Traster, representing Legal - Wichita, KS  
Robin Jennison, representing Parks and Recreation - Healy  
Steve Irsik, representing Agriculture West of Highway 81 - Ingalls, KS  
Representative Ward Loyd, representing Municipal West of Highway 81 - Garden City, KS  
Richard Reinhardt - Erie, KS (Advisory)  
Dr. Jim Whadley, Washburn Law School (Advisory)  
Dr. George Hamm, K. S. U. Research and Extension (Advisory)  
Harland Priddle - Burton KS (Advisory)  
Representative Doug Gatewood - Columbus, KS (Advisory)  
Lee Allison, Kansas Geological Survey - Lawrence, KS (Advisory)  
Kim Gulley, Kansas League of Municipalities - Topeka, KS (Advisory)

Kansas Water Congress Chronology  
November 2004

The Kansas Water Congress was incorporated in February 2003. Since that time significant progress has been made in the development of the Congress, which include:

- Opening of our Topeka office in May 2003. Our office is located in the Association Office building at 816 SW Tyler, Topeka, Kansas 66612.
- On May 28, 2003 we held our first statewide Kansas Water Congress meeting at the Rolling Hills Zoo Conference Center near Salina, Kansas. About 70% of the divisions were represented for the orientation and discussion session
- Numerous informational presentations have been made to general groups, existing statewide associations, government agencies and individuals.
- Attended all 4 of the Natural Resource Legacy Alliance public hearings held across the state this fall.
- The Initial Directors and Steering Committee for the 29 statewide Divisions of the Congress has been established.

This group is key to the organizational development of the Congress as we move into and through 2005.

- Founding and sustaining membership has been received from 30 separate entities to help fund the Congress in the developmental stage. Additional funding through individual, sustaining and founding memberships is being sought and encouraged.
- The Congress has initiated a grant application process to seek additional funding sources, in our developmental stage.
- The Management/Executive Committee of the Congress has met or teleconferenced 6 times during the year to conduct business and review status and direction of the Congress.
- The 2004 Legislative Session was an opportunity to communicate the role and function of the Kansas Water Congress and provide a resource of objective information and facts on water issues facing the State. The Congress formally presented to the House Environment Committee, as well as informally met with key legislators.
- Help facilitate each of the 29 statewide Divisions, in the process of establishing their governance. 6 of the 29 Divisions have established governance at this time.
- Separate meeting/teleconferences of the Geographic, Groundwater Management and General Divisions were held in 2004.



- We continue to expand both sustaining and individual membership across the State by focusing on each of the 29 Divisions and the water issues relevant to them.
- 3 periodic newsletters, e-mails and regular mail to update and inform membership on relevant water related issues and activities of the Congress.
- Over 50 persons attended and participated in the Kansas Water Congress' 1st Winter Annual Meeting held March 11, 2004 at Lawrence, Kansas. Virtually every Geographic Basin Division, several Watershed Districts, along with most of the other statewide divisions of the Congress including, Commerce and Industry, Engineering, Legal, Wildlife, Government, Agriculture, Banking/Financial, and Municipal East of Highway 81 were also represented. It was good to see many of the Basin Advisory Chairpersons and all of the Groundwater Management Districts in attendance and represented. Statewide Associations represented included the Kansas Bankers Association, Kansas Farm Bureau, Kansas Natural Resource Council, Kansas Livestock Association, and Kansas Grain and Feed Association. The current Chairman of the Kansas Water Authority, Mr. Steve Irsik and Immediate Past Chairman Mr. Kent Lamb as well as Senator Janis Lee, Representative Joann Freeborn and Representative Ward Loyd also were in attendance. The Kansas Geological Survey, State Conservation Commission, Kansas Division of Water Resources, Kansas Department of Health and Environment and Kansas State University Research and Extension were also represented.
- The First Annual Summer Conference of the Kansas Water Congress, entitled "Water Forums for the Future" was held August 12 and 13, 2004, at Garden City Community College, Garden City, Kansas. The event was well attended both days with a diverse representation of water interests from across the state. All 29 divisions of the Congress were represented by members or interested parties. Panelists and participants consisted of leaders in the Kansas legislature, financial, industrial, municipal, and agricultural interests as well as federal, state and local government. Panel discussions included issue relative to: 1) Ogallala Aquifer Management and Protocol 2) The Importance of Commerce Relative to Public Policy on Water 3) Public Water Supplies 4) Irrigated Land Transition and 5) Legislative Panels.

MEMBERSHIP APPLICATION

TO: Board of Directors  
Kansas Water Congress  
816 S.W. Tyler  
Topeka, KS 66612

The undersigned believes in furthering a statewide program for the conservation, development and protection of the ground and surface waters of the State of Kansas; and, therefore, I/we wish to affiliate with the Kansas Water Congress.

Name \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Key Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Phone, Fax, E-Mail: \_\_\_\_\_

Before selecting a dues amount, please review the attached dues schedule.

After reviewing the dues schedule, I/we have selected membership dues in the amount of \$ \_\_\_\_\_ which is enclosed.

Division Designation: \_\_\_\_\_  
(Review attached list)

\_\_\_\_\_  
Signature authorizing membership

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recommended by

## KWC DUES SCHEDULE

### Individual Membership:

\$50.00 annual fee for individual membership.

What does an individual member receive?

1. One vote (in the geographic division or other division with which they are associated).
2. Membership registration fee at all KWC meeting events.
3. Newsletter and e-mail or fax communications and information on water related issues.

\*\*An individual membership applies only to the individual in whose name the membership is held.

### Sustaining Membership:

\$500.00 minimum annual fee for sustaining membership.

What does a sustaining member receive?

1. One vote for each \$50.00 contributed (not to exceed) 30 votes (in the geographic division or other division that the sustaining member is associated).
2. One registration membership fee (for each \$50.00 contributed) at all KWC meeting events.
3. Newsletter and e-mail or fax communications and information on water related issues.

Sustaining membership is based on total annual revenues of the member as listed below:

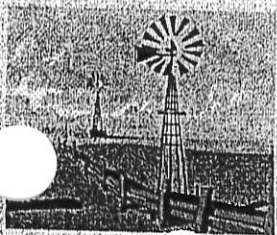
\$199,999 or under	\$500
\$200,000 - \$499,000	\$1,000
\$500,000 - \$999,999	\$1,500
\$1,000,000 - \$1,499,000	\$2,000
\$1,500,000 - \$1,999,999	\$2,500
\$2,000,000 - \$2,499,999	\$3,000
\$2,500,000 - \$3,499,999	\$3,500
\$3,500,000 - \$3,999,999	\$4,000
\$4,000,000 - \$4,499,999	\$4,500
\$4,500,000 - \$4,999,999	\$5,000

\*\*Membership fees increase incrementally \$500 for every \$500,000 annual revenue up to \$10,000,000 or above which is \$11,000 annual membership fee.

Questions should be directed to David Brenn at [dbrenn@gcnet.com](mailto:dbrenn@gcnet.com); phone (620)-275-7460; cell (620) 287-4541; or fax (620) 260-9605.

The mission of the Kansas Water Congress is to promote the wise management and stewardship of the state's water resources, and to protect, conserve, and develop Kansas water resources for the benefit of Kansas' present and future generations.

For more information about the Kansas Water Congress, please visit our website at [www.gmd3.org/KansasWaterCongress](http://www.gmd3.org/KansasWaterCongress)



## Thursday, August 12

8:30-9 a.m.	<b>Registration and coffee</b>	2-2:15 p.m.	<b>Break</b>
9-9:15 a.m.	<b>Welcome and opening remarks</b>	2:15-3:15 p.m.	<b>Irrigated Land Transition</b> The Ogallala Aquifer in western Kansas is greatly over appropriated. Is a voluntary, incentive-based program for land owners willing to retire water rights feasible, manageable, and most importantly fundable? What is the current status and future potential for this issue?
9:15-9:45 a.m.	<b>Water Congress - A Tested Concept</b> Dick MacRavey, Executive Director, Colorado Water Congress	3:15-4 p.m.	<b>Comments from U.S. Senator Sam Brownback</b>
9:45-10 a.m.	<b>Break</b>	4-4:15 p.m.	<b>First day summary</b>
10-11 a.m.	<b>Ogallala Aquifer Management and Protocol</b> The panel will present and discuss aquifer sub-unit management perspectives and realities, along with development and implementation of effective management plans, both voluntary and regulatory, to reduce aquifer declines.	5 p.m.	<b>GCCC Ammonia Refrigeration Tour (Meet at the registration table)</b>
11 a.m.-Noon	<b>The Importance of Commerce Relative to Public Policy on Water</b> The panel will address the question, "What role should commerce play in development of sound, representative public policy and management of the Ogallala Aquifer?" Members will look at the historic, current and future impact of irrigated commerce to western Kansas and the entire state.	6 p.m.	<b>Four-person golf scramble tournament at Southwind Country Club</b>  <b>Social, Southwind Country Club</b>
Noon-1 p.m.	<b>Lunch and viewing of exhibit displays</b>	6 p.m.	<b>Tour of Finney County Game Refuge</b>  Participants may sign up for any after conference event until 1 p.m. today at the registration desk.
1-2 p.m.	<b>Public Water Supplies, Water Marketing and Enhancement Programs</b> The importance of a safe, sustainable public water supply for communities in Kansas is clear, as is the significance of water needed for maintaining and growing the business economy in communities dependent on groundwater. The panel will address the question of best options or combination of options to practically and effectively address the issue now and into the future.		

## Friday, August 13

8:30-9:30 a.m.	<b>Legislative Panel</b> Key legislators will comment and discuss water policy and the legislative process pertinent to current issues and points of the conference.
9:30-9:45 a.m.	<b>Summary and closing comments, adjournment</b>
10-10:30 a.m.	<b>KWC general meeting and executive committee meeting</b>

An important strategy for progress is to first realize that great institutions are seldom built by giant leaps, but rather by small steps taken consistently in the same direction, and that vision of what ought to be is a requirement of progress and leadership. Reality often requires a second and even a third opinion, and that diversity in people and ideas is a cornerstone of organizational strength. And finally, a critical correlative benefit of the consensus of "common enlightenment and understanding," is the creation of a strong sense of unity and community. The Kansas Water Congress can provide the vehicle and forum for unity of purpose and objectives in supporting the formation and execution of a stable water policy for a unified Kansas.



Kansas Water Congress, Inc.  
816 S.W. Tyler  
Topeka, KS 66612

## The Waterway

Newsletter #2

March 31, 2004

### Winter Annual Meeting

Over 50 persons attended and participated in the Kansas Water Congress' 1st Winter Annual Meeting held March 11, 2004 at Lawrence, Kansas. Virtually every Geographic Basin Division, several Watershed Districts, along with most of the other statewide divisions of the Congress including, Commerce and Industry, Engineering, Legal, Wildlife, Government, Agriculture, Banking/Financial, and Municipal East of Highway 81 were also represented. It was good to see many of the Basin Advisory Chairpersons and all of the Groundwater Management Districts in attendance and represented. Statewide Associations represented included the Kansas Bankers Association, Kansas Farm Bureau, Kansas Natural Resource Council, Kansas Livestock Association, and Kansas Grain and Feed Association. The current Chairman of the Kansas Water Authority, Mr. Steve Irsik and Immediate Past Chairman Mr. Kent Lamb as well as Senator Janis Lee, Representative Joann Freeborn and Representative Ward Loyd also were in attendance.

The Kansas Geological Survey, State Conservation Commission, Kansas Division of Water Resources, Kansas Department of Health and Environment and Kansas State University Research and Extension were also represented.

Mr. Tom Cech, Executive Director, of the Central Colorado Water Conservancy District, and past Board Member of the Colorado Water Congress, was our speaker and facilitator for the evening. Tom took us through the process and effectiveness of the CWC along with issue specific examples, Q and A and suggestions for The Kansas Water Congress as it develops. The Dinner was provided by the founders of the Kansas Water Congress, followed by summary comments from the Executive Director.

#### Goals set forth by executive committee:

The Congress will maintain a presence during the balance of this 2004 Legislative session. A presence exercised as a resource on water related issued and legislation along with communication with all members, interested parties including State Agencies and Water Districts.

The Congress will facilitate meetings/teleconferences of groupings of all 29 Divisions of the KWC. To assist in the development, membership expansion, and issue identification of the Divisions of the State. The Congress will work toward being a resource and catalyst for the Basin Advisory Committees of the State and the planning process.

#### Initial Directors

Ed Brenn  
Topeka

Ken Frahm  
Colby

Robin Jennison  
Topeka

Kent Lamb  
Macksville

Sen. Janis Lee  
Kensington

Rep. Ward Loyd  
Garden City

Harland Priddle  
Burton

Richard Reinhardt  
Erie

Paul Tobia  
Wichita

Chris Wilson  
Wamego

James Zacharias  
Olathe



## SAND AND GRAVEL PIT APPROPRIATIONS

A total of four bills were introduced in regards to this issue. The bills were seeking to resolve the difficulty of sand and gravel pits to comply with existing DWR regulations in regards to evaporation and consumptive use. The Industry interests are seeking relief from the regulation while the Division of Water Resources and the Department of Agriculture have great concern on the precedent and the potential effect on other water users, such legislation would have. HB 2919 is the latest version, and was passed out of House Environment.

## WATER AUTHORITY MEMBERSHIP

Representative Tom Sloan had requested HB 2480 adding the State Biologist to the Kansas Water Authority as an ex officio member. The bill passed out of House Environment but failed to make the turnaround deadline. However Representative Sloan, offered an amendment to SB 463 adding the State Biologist to Authority as an ex officio member and defining ex officio as advisory, non-voting, unable to make or second motions. This bill passed and is in conference.

Other issues that will be updated after the 2004 session include:

CLEAN DRINKING WATER FEE

HORSETHIEF RESERVOIR

WATER PLAN STATE GENERAL FUND REQUIREMENT

## DIRECTORS COMMENTS

Thanks and welcome to our new and renewing individual and sustaining membership. Your interest and support are vital to the furtherance of the Congress. Expanded membership both individual and sustaining are necessary and crucial to empowering the Congress in both the short term and the future. We are focusing our resources on the balance of the 2004 legislative session, Statewide Division coordination and the Summer Conference mentioned earlier in this letter. We need your help in getting the word out and the membership up. Contact me if I can be of help or can facilitate following up with contacts including individual, groups or businesses you can identify. We have come a long way this past year in establishing the Congress. The timing and circumstances are right to move the Kansas Water Congress forward to be a positive forum and recognized vehicle for sound and stable public policy on water issues facing the State of Kansas. With your leadership and participation we will succeed: "Success requires determination, tenacity, perseverance, hard work, and occasionally, a bit of luck." This was taken from Dr. Albert Yates, "MY LIST" ASSERTIONS ON ORGANIZATIONAL LEADERSHIP. Thanks, Dave

Kansas Water Congress, Inc.,  
816 S.W. Tyler, Topeka, KS 66612  
(785) 290-0003 Fax: (785) 290-0004  
dbrenn@gcnet.com

Kansas Water Congress, Inc.  
816 S.W. Tyler  
Topeka, KS 66612

The Waterway

Newsletter #3

September, 2004

Summer Conference, "Water Forums for the Future"

The First Annual Summer Conference of the Kansas Water Congress was held August 12 and 13, 2004, at Garden City Community College, Garden City, Kansas. The event was well attended both days with a diverse representation of water interests from across the state. All 29 divisions of the Congress were represented by members or interested parties. Panelists and participants consisted of leaders in the Kansas legislature, financial, industrial, municipal, and agricultural interests as well as federal, state and local government.

The first day program started with a presentation entitled, "A Tested Concept", by Mr. Dick MacRavey, Executive Director of the Colorado Water Congress. Dick shared highlights, comments and some memorable quotes in regards to water issues in Colorado and the history and effectiveness of the Colorado Water Congress. A significant question asked was, as an advocacy group, how do you keep different interest groups who are at odds with each other from breaking up the process? The answer was two fold. One, it takes a 2/3 majority for the Congress to take a position; and two, those who make the motion and second it, must be prepared to testify to that position. This process is also a part of the Kansas Water Congress articles. The following is a condensation and compilation of notes taken during the conference, and does not represent any established position.

Four separate panel forums were held during the balance of the day including:

Panel #1 Ogallala Aquifer Management and Protocol, moderated by Paul Tobia. This panel included:

David Pope, Chief Engineer, KDWR  
Jon Jones, CEO, Wright Water Engineers  
Kent Askrin, Kansas Farm Bureau  
Susan Stover, Kansas Water Office  
Clay Scott GMD #3  
Greg Graff GMD #1  
Dr. Don Whittenmore, Kansas Geological Survey  
Jon Janssen GMD #5

Management of the Ogallala is, and will be, a challenge because of it's inherent diversity. One shoe does not fit all. It needs to be an evolving process and plan requiring collaboration, compromise and cooperation.

The Groundwater Management Districts, 1,3 and 4 are in charge of subunit definition, delineation and setting parameters and criteria for their districts. The chief engineer's role is that of oversight to the GMD's. In those areas outside of the GMD's, the Kansas Division of water Resources has full authority.

Efforts toward management plans and protocol to extend the life of the Ogallala Aquifer will be voluntary, incentive based, utilizing existing agencies and organizations. In those areas where voluntary incentive programs don't work, the KDWR will fall back to basic Kansas Water Law. Questions raised here included:

What is the criteria to determine if programs are working and on what timeline? No specific answers were given, except that GMD's need to get protocols in place and the goals need to be set.

Summary:

Rural communities without the capital resources and professional staff have difficulties in acquiring and in some cases maintaining water rights and supply. Conversely larger communities with larger tax bases have the capital resources and professional planning staff and are better able to stay ahead of the curve under existing options.

The process for communities to purchase existing water right (s), and convert to municipal use can be lengthy, time consuming and costly. If a reasonable willing seller is not available, the problem is magnified. Condemnation is an option for communities and the chief engineer has authority to act on behalf of the public good; however, these authorities are a last resort and have not really been exercised to any significant degree.

A Grant or loan program facilitated by the state to allow communities to purchase water rights for current and projected future needs has been proposed to address these issues. This would allow communities a lower cost option to acquire water right and facilitate the state to authorize holding water rights in reserve for future need and supply. This would require legislative action to amend the Kansas Water Appropriation Act.

Question: In reality, wouldn't technical and financial assistance by the state, a one stop shop approach, alleviate the majority of the problems municipalities experience with water needs? Instead of creating a "preferred class" of beneficial user given latitude no other user has? Answer: This program would be focused only on eligible municipalities based on determination of need and other criteria to qualify through an application process.

Question: With the state having limited resources, what is the source of funding for the state to purchase water rights and operate a loan program? Answer: Multiple sources could be considered, including Kansas water plan, special appropriation, state revolving fund etc.

Panel #4 Irrigated Land Transition, moderated by Paul Tobia. The panel included:

Mike Beam, Kansas Livestock Association  
Tom Bogner, Director GMD #3  
Lou Hines, Western Sprinkler  
Harold Klaege, Natural Resource Conservation Service  
Keith Lebbin, Manager GMD #1  
Don Paxson, Vice Chair of the Kansas Water Authority  
David Pope, Chief Engineer, KDWR  
Ray Purdy, Kansas Banker Association, President Home National Bank  
Mary Jane Stankiewicz, General Counsel for KGFA and KARA  
Tracy Streeter, Director of the Kansas Water Office

Summary:

Common Points of the Discussion Included:

Dialogue on this issue began over 3 years ago, by the Mayo Commission and individuals such as Tom Bogner and Don Paxson, for a federally funded voluntary incentive based program. However, momentum and support for this approach has been slow to develop.

There has been a law on the books since 1998, (The Water Rights Purchase Program) authorizing the state to purchase water rights. This past session, the Kansas Legislature approved, through proviso, authority to the Soil Conservation Commission for a pilot project dealing with irrigated land transition in targeted areas of high priority in the high plains aquifer. A program to fund permanent dismissal of water rights and transition to dryland. This program is to be funded 100% by the state but flexible to utilization of federal funds if any become available. There are no state funds available today. Rules and regulations are to be done by March 1, 2005.

Any program needs to be done so conservation of water can be measured. It must result in net conservation to the system and not a paper savings of water.

Legislative Panel Moderated by Representative Ward Loyd. The panel included:

Senator Janis Lee  
Senator Mark Taddiken  
Representative Dan Johnson  
Representative Joann Freeborn

Present : Representative Sharon Schwartz

Summary:

Each legislator shared experiences on water issues including water rights transfer, E.P.A. classification of streams, concerns over impacts to rural Kansas, importance of rural water districts, irrigated land transition and reduced tax valuation.

Comments:

To have effective input to good public policy, it is important to know your water officials, know your legislators, know your issues, come united and have alternatives.

There is a lack of general public interest in water issues. A source of real information and education is lacking. Urban legislators don't have good understanding of water issues effecting rural Kansas and vice versa.

The Kansas Water Congress gives opportunity of open forum for discussion, debate and enlightenment of issues before they get to the legislature. The Congress must be able to represent agriculture, urban, and all other important groups across the state to bring issues to the forefront in a united voice. The legislature knows what the problems are; it is time to come with answers and good solutions.

#### Kansas Water Congress Founding and Sustaining Members

Big Bend GMD #5	Rooney Agri-Business
Brookover Companies	Rooney Ranch, Inc.
Equus Beds GMD #2	Southwest Kansas GMD #3
Gigot Aqua Solutions, Inc.	Southwest Kansas Irrigation Assn.
Kansas Agribusiness Retailer Assn.	Sunflower Electric Power Corp.
Kansas Bankers Association	T. Bogner Farms
Kansas Dairy Commission	The Garden City Company
Kansas Farm Bureau	Western Kansas GMD #1
Kansas Grain and Feed Assn.	Western Sprinkler's Inc.
Kansas Livestock Association	Woofter Pump & Well, Inc.
Kansas Outdoors, Ltd.	Wright Water Engineers, Inc.
Northwest Kansas GMD #4	

#### Kansas Water Congress Summer Meeting Local Sponsors

American Implement	Gigot Aqua Solutions, Inc.	L & N Pump Inc.
Brookover Companies	Golden Rule, Johnson	Teeter Irrigation
Centera Bank	Henkle Drilling	Western State Bank
Circle Feeders, Garden City	Hoskinson Implement, Sublette	Kansas Bank Corporation

Special Committee on Environment to Meet October 13-14, 2004 in WaKeeney

The Special Committee on Environment, an 11-member Committee of the Kansas Legislature studying natural resources issues, will meet in WaKeeney October 13 and 14 at the Western Cooperative Electric Association building, 635 S. 13th Street.

The Upper Ark Basin Advisory Committee favored retirement of all of the water rights with Groundwater Management District No. 5's involvement. The Lower Ark BAC recommended leasing back a portion of the land for agricultural production and to minimize negative economic impacts. Full development of the land's recreational potential was called for by the Upper Ark BAC.

The Circle K Ranch and the potential impact its acquisition would have on the middle reach of the Arkansas River is a priority issue in the State Water Plan for the Upper Ark Basin. A full report is on the Kansas Water Office website, [www.kwo.org](http://www.kwo.org). Select Kansas Water Plan, then Upper Ark Basin Advisory Committee, then page 22 of that section.

While the Authority recognized the long-run economic potential of the proposed 8,000-acre Grouse Creek reservoir, the Authority's decision turned on water resource issues. Grouse Creek's water quality is among the best in the state and serves as a standard against which other streams are compared.

Cowley County residents spoke of the shadow the prospect of a lake placed over them and the loss of their heritage. Supporters of the lake project talked of the potential for economic development.

The importance of lakes generally to economic development wasn't lost on the Authority members. They directed the Kansas Water Office to develop a concept proposal on the policies that limit private economic development of existing federal reservoirs. Guiding principles developed for existing lakes might then be applied to any water supply or flood control lakes proposed in the future. If the concept paper is accepted by the Authority, the Water Office will then proceed with a more detailed report.

In other business, the Kansas Water Authority directed the Kansas Water Office to schedule public hearings this fall on three policy issues. They include: alternative dispute resolution for water resource issues, the state's water marketing program and reservoir restoration demonstration projects. Hearing dates and locations will be publicized later. Details of the policies and minutes from the Kansas Water Authority August meeting also are posted on the Kansas Water Office website [www.kwo.org](http://www.kwo.org).

#### Kansas Water Congress Membership Campaign

The Board of Directors of the Kansas Water Congress invites and encourages membership both sustaining and individual to the Kansas Water Congress. These membership fees are an important source of funding for the Congress. Our new membership campaign is underway. If you or your business or group is not already a member, here is what you do.

You can visit our website at [www.gmd3.org/KansasWaterCongress.htm](http://www.gmd3.org/KansasWaterCongress.htm) and click on membership information or contact the Congress directly for information and membership options at (785) 290-0003 or (620) 287-4541 or email [dbrenn@gcnet.com](mailto:dbrenn@gcnet.com). Inquire now and become a part of Kansas future and water.

At a meeting following the summer conference, Robin Jennison was re-elected as President and Ward Loyd Secretary of the Kansas Water Congress. Preliminary planning is underway for an early December meeting of the Congress to review and discuss pertinent issues and define the State Affairs Committee. More information and details later. Thanks, Dave.

Kansas Water Congress, Inc.,  
816 S.W. Tyler, Topeka, KS 66612  
(785) 290-0003 Fax: (785) 290-0004  
[dbrenn@gcnet.com](mailto:dbrenn@gcnet.com)



# KANSAS WATER CONGRESS WINTER MEETING

JANUARY 10, 2005

## AGENDA

- 9:00—9:30AM REGISTRATION AND COFFEE
- 9:30—9:45 INTRODUCTORY REMARKS, ROBIN JENNISON
- 9:45—10:00 EXECUTIVE DIRECTOR COMMENTS, DAVE BRENN
- 10:00—10:15 REVIEW OF STATE AFFAIRS COMMITTEE POLICY  
WARD LOYD
- 10:15—10:30 BREAK
- 10:30—11:50 ISSUES BEFORE THE CONGRESS
- A. I.T.A.P. (Irrigation trans. Assistance Program)
  - B. KANSAS VS. COLORADO LITIGATION FUNDS
  - C. UN-FUNDED LIABILITY FOR KS. RESERVOIRS  
(Kansas Water Plan Project Initiative)
- AGENCY PARTICIPANTS
- Greg Foley, Director, Soil Conservation Commission
  - David Pope, Chief Engineer KDWR
  - Tracy Streeter, Director KWO
- 11:50—12:00 CLOSING COMMENTS and ADJOURN  
LUNCH WITH LEGISLATORS

## The Kansas Water Congress

*An important strategy for progress is first to realize that great institutions are seldom built by giant leaps, but rather by small steps taken consistently in the same direction, and that vision of what ought to be is a requirement of progress and leadership. Reality often requires a second and even a third opinion, and that diversity in people and ideas is a cornerstone of organizational strength. And finally, a critical correlative benefit of the consensus of "common enlightenment and understanding," is the creation of a strong sense of unity and community. The Kansas Water Congress can provide the vehicle and forum for unity of purpose and objectives in supporting the formation and execution of a stable water policy for a unified Kansas.*





# K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

**Presentation on the Kansas Department of Health and Environment  
Division of Environment Services  
to  
House Environment Committee**

**Presented by Roderick L. Bremby, Secretary  
Kansas Department of Health and Environment**

**January 25, 2005**

Representative Freeborn and members of the House Environment Committee, I am pleased to appear before you today to provide an overview of the Division of Environment at the Kansas Department of Health and Environment.

The mission of the Division of Environment is *protecting public health and environment for Kansas*. To implement this mission, the Division of Environment has adopted the following goals:

Implement environmental programs in Kansas to achieve regulatory compliance and maintain assurance that environmental programs are protective of public health and the environment.

Be responsive to the needs and inquiries of the citizens of Kansas and the regulated community with respect to environmental programs.

Provide citizens of the state with accurate assessments of the environmental conditions of the state.

In order to fulfill this mission and meet these goals the Division of Environment has developed and implemented regulatory, compliance assistance, monitoring and educational programs within each of the bureaus and the division as a whole.

OFFICE OF THE SECRETARY

CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 540, TOPEKA, KS  
Voice 785-296-0461 Fax 785-368-6368 <http://www.kdhe.state>

House Environment Committee  
January 25, 2005  
Attachment 3

The performance measures for the Division of Environment are described at length in the state fiscal year 2005 KDHE budget request document. The results of the division's activities are also listed in that document. In addition, the division also operates under the terms of the various program delegation agreements with the US EPA, Nuclear Regulatory Commission, and Office of Surface Mining, Department of Interior. The relationship with US EPA is described in the *Performance Partnership Agreement, October 1, 2003 to September 30, 2005*.

The Division of Environment is involved in a number of challenging activities. These include continued engagement over the regulation of animal feeding operations; water quality standards and designation of surface waters; development of Total Maximum Daily Loads (TMDLs) for streams and lakes; implementation of revised public water supply standards; implementation of new air quality standards for ozone; permitting of new or expanded solid waste facilities; and a number of remediation sites across the state. Current regulatory proposals of note are those for regulation of underground storage of natural gas and liquid petroleum gas (LPG), water quality standards, revision of radiation control requirements, and construction and demolition landfill requirements. In addition, the Division of Environment will continue to move forward in areas involving financial assistance including the state revolving loan funds, start up of the Brownfields program, and storage tank cleanup activities. Brief descriptions are also available on the KDHE website [www.kdhe.state.ks.us](http://www.kdhe.state.ks.us) under the Environment tab.

#### **Division of Environment Organizational Structure:**

The Division of Environment is organized in five distinct bureaus: Bureau of Air and Radiation, Bureau of Water, Bureau of Waste Management, Bureau of Environmental Remediation, and Bureau of Environmental Field Services. For simplicity in budgeting, the Office of the Director, Division of Environment is budgeted with the Bureau of Environmental Field Services. The division staff is composed of scientific and technical staff with a heavy emphasis on physical and biological sciences, and engineering. The staff of the Division is authorized at 436 FTEs.

The **Bureau of Air and Radiation** is the state's air quality regulatory program including radiation safety. The bureau implements state and federal programs for permitting and regulation of air emission sources. These sources include the state's coal burning power plants, industrial plants, and other industry. Of particular concern are air quality conditions in the Kansas City and Wichita areas related to these point sources and mobile sources, i.e. automobile and truck exhaust. This bureau conducts the radiation regulatory programs, that deal both with the licensing and monitoring of devices such as X ray and mammography equipment and the environmental and response programs for the Wolf Creek nuclear power plant located near Burlington. The staff of this bureau also implements the community right to know program in conjunction with the Division of Emergency Management, asbestos regulatory programs, ambient air quality monitoring and the Small Business Assistance Program.

- A new standard has been recently established for ozone, a component of smog. The standard was not exceeded in the Kansas City metropolitan area during 2004 due to unusual climatic conditions. However, there may be a future violation of the ozone standard Kansas City area under more normal conditions. The ozone levels in Wichita have also been of concern. The Bureau of Air and Radiation is working with both Kansas

City and Wichita to evaluate ways to reduce air emissions that contribute to ozone formation. Once this work has been completed the Kansas Air Quality Plan will be amended to make sure Kansas continues to meet the new federal standards for ozone.

- The implementation of 2004 Senate Bill 396, which establishes a dedicated Radiation fee fund, will begin in calendar year 2005 with the collection of revised fees. This new fund will allow the Bureau of Air and Radiation to maintain an effective and efficient program to ensure the protection of the health and safety of the public from sources of asbestos and radiation, while promptly and accurately responding to customers and stakeholders. The Radiation program will become a fee-supported program.

The **Bureau of Waste Management** conducts regulatory and compliance assistance programs for both solid and hazardous waste. These programs include permitting of solid waste facilities ranging from major solid waste facilities known as Subtitle D permits to those for small landfills in arid areas of western Kansas.

This regulated industry includes processing facilities, and construction and demolition landfills. Hazardous waste programs regulate the handling, treatment and disposal in a "cradle to grave" approach under both state and federal statutes and regulations. The waste tire program has made tremendous strides in reducing the number of waste tire piles across the state while the solid waste program, in conjunction with the Bureau of Environmental Remediation, also addresses illegal dumps and former city dumps which threaten the public health and environment. The bureau also conducts a grant program to encourage new business and industry for recycling as well as recycling programs across the state. *Kansas Don't Spoil It* is the agency's educational program for both public information and assisting school programs. The bureau is also working with confined feed operations to develop contingency plans for disposal of a large number of animal carcasses in the event of a foreign animal disease.

- E-waste management is the greatest new emerging waste management issue in Kansas (in the USA). A pilot collection project in Lyon and Seward Counties in November collected 55 tons of computers and some other electronics for recycling. This is the equivalent of about 3000 computers. Millions of computers are awaiting disposal or recycling. EPA may require computers to be managed as hazardous waste. There is no system to collect them except in the larger urban areas.
- Waste Connections landfill application for Harper County is again under review by KDHE. This follows a Kansas Supreme Court decision that the zoning was proper. Other issues with landfills the department is overseeing include the modification of two large regional landfill permits in the Kansas City area: Forest View (Allied) and Deffenbaugh. The capacity is only a few years and combined they take in over 6000 tons per day which is one-third of all KS waste. Sedwick County is also trying to decide whether to site a new landfill.
- KDHE's Illegal Dumping Program is proceeding with clean up efforts in South Hoisington where illegal dumping of tires and household hazardous wastes have

been a problem for 70 separate properties for many years. KDHE is working closely with Barton County and City of Hoisington to correct the concerns.

The **Bureau of Water** is the lead environmental regulatory program for actual and potential discharges to water and the protection of the states' public drinking water supplies. The bureau implements the delegated National Pollution Discharge Elimination System (NPDES) program for the regulation of municipal, industrial and animal waste. To assist the regulatory programs, the Bureau of Water also conducts state and federal programs to limit pollution caused by non-point sources. The bureau also conducts regulatory and assistance programs for the assurance of the safety of the state's public water supplies. This bureau administers state revolving loan funds to assist municipalities and public utilities in improving or replacing sewer or municipal wastewater systems and public water supplies. The two revolving loan funds have made approximately \$750 million in loans since their inception.

Stream Classification and Use Designation Activity:

- Statute requires KDHE to perform two major task related to stream classifications:
  1. Evaluate the classification status of stream segments against the criteria for classification of stream segments provided in K.S.A. 82a-2003.
  2. Evaluate the designated uses of classified streams against the criteria for use designation of classified stream segments provided in K.S.A. 82a-2004.
- Evaluation of stream segments for classification is primarily dependent on the US Geological Survey (USGS) completing work on a method for extrapolating stream flow for Kansas stream segments. In order to facilitate that work, KDHE staff met with USGS staff to develop a scope of work and funding mechanism. That work was initially completed December 31, 2002. Copies of the USGS report were provided to the Legislative Committee Chairs January 16, 2003. USGS presented an overview of the report to the Senate Environment Committee on February 6, 2003. Subsequent to the original report submission, errors were discovered in some of the calculated flow values. USGS corrected those errors and a modified report was received June 29, 2004.
- In the near future the department will publish the draft regulations on the annual update to the Kansas Surface Water Quality Register. These regulations will propose recreational uses for 427 stream segments and 45 lakes. This will also include one stream use attainability analysis (UAAs) conducted in 2000. Thirteen stream segments are proposed for deletion from the Kansas Surface Water Register (removed from classification), 282 stream segments are proposed as secondary contact recreation, and 132 stream segments are proposed as primary contact recreation. Five lakes are proposed for deletion from the Kansas Surface Water Register, 1 lake is proposed as secondary contact recreation, and 39 lakes are proposed as primary contact recreation and food procurement. Recreational use designations for stream segments were assigned either 2 sub-classes of primary contact recreation or 2 sub-classes of secondary contact recreation



in response to requirements of K.S.A. 2002 Supp 82a-2001, implementing provision of HB 2219.

#### Drinking Water

- New federal regulations for drinking water quality are a challenge, especially for Kansas communities due to the many small systems in the state. Ninety-five percent (95%) of Kansas water supplies serve 3,300 feet (1000 meters) or less, 55% of Kansas water supplies serve 330 feet (100 meters) or less. There is no economy of scale for these small systems so some are challenged to upgrade to federal requirements, and consolidation is not always an option for them.

#### Municipal Wastewater

- For municipal wastewater, an emerging issue lies with the discharge of endocrine disrupters. It is a potential human health concern. Research is underway including whether to remove compounds at wastewater plant or waterworks or both. The issue is more of a problem with heavily recycled streams such as Kansas River.

#### Mega Dairies

- Kansas now has 26 dairies permitted for 1,000 or more animal units with the largest at 45,000 animal units. KDHE oversees the facility management of wastes and determines proper corrective actions needed when problems are identified.

#### Total Maximum Daily Loads

- KDHE has met the deadlines of the Federal Court Order and we anticipate the first round of TMDL's for the 12 basins will be met.

#### Water Quality Standards

- Implementation of SB204 & HB2219 continues. EPA has approved most provisions with exception of cost/benefit considerations in stream classification, a provision of state law, and an agency regulations proposal called high flow exclusion.
- Nutrient reduction plan: KS is proposing a unique approach to reducing nutrients. The plan is to move forward with voluntary reductions while addressing and setting nutrient criteria locally.

#### Lagoon Regulations

- KDHE is close to adoption of regulations to address the construction of wastewater lagoons. Initial attempts at lagoon regulations grouped the brine lagoons, livestock, industrial, and municipal wastes. This proved difficult, as each group is essentially a category by itself. The draft regulations were broken into the categories described above. The brine lagoon regulations are in place, the municipal regulations will be issued directly, and the livestock regulations will be placed on public notice this week with hearings scheduled across the state at several locations the last week of March. We believe the regulations are workable and they essentially put into place controls that have been generally accepted and practiced.

## Geologic Issues

- Following the Hutchinson gas incident, legislation was adopted and regulations put in place addressing underground storage of natural gas and liquids. The industry is implementing these regulations. There remains some debate over the regulation requiring each cavern to have a flow meter. The Yaggy facility has not closed the facility to the possibility of future use, but has not taken steps to re-open.
- KDHE staff is working a sink hole near the old Carey Salt plant in Hutchinson. The sink hole is associated with a brine well from the 1920 era and is about 20' deep and 80' in diameter. The sink is next to the main railroad line. Our first concern is with public safety, secondly the groundwater pollution. The Hutch area is dotted with old brine wells.

The **Bureau of Environmental Remediation** is charged with the responsibility for cleanup of environmental damages across the state. These cleanups are conducted in a variety of programs ranging from federal Superfund to the state voluntary programs. These cleanups are predominantly conducted using either federal funds or charges to the responsible parties. In recent years, the bureau has seen the maturation of programs such as the state underground and above ground storage tank regulatory and cleanup program, the voluntary and cooperative cleanup programs, and state water plan funded orphan site remedial program. In addition, new programs for remediation of illegal methamphetamine lab sites, remediation of contamination from dry cleaning operations and restoration of property under the Brownfields approach have been implemented. The former is funded with state funds while the latter is funded with federal grants.

- The Kansas Meth Watch program is being adopted on an international scale. Meth Watch is a voluntary program for retailers created by KDHE and KBI to limit the availability of precursor products that are used in the manufacturing of methamphetamine in clandestine laboratories. Due to the great success of the Kansas program, Meth Watch is currently being adopted in 22 other states and Canada.
- Reauthorization of the fee collection aspects of the surface mining program will have significant impact on the funding of the Surface Mining Section. Collection of fees, as provided for by Title IV, of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), to fund the remediation of hazards associated with past coal mining is set to expire on June 30, 2005. If this provision of SMCRA is allowed to expire there will no longer be funding for the Abandoned Mine Land (AML) Program. Kansas has the fourth largest inventory of Priority 1 and 2 abandoned coal mine hazards in the nation with an estimated cost of over \$200 million to address. It is apparent from the size of the Kansas AML inventory that there is much work left to be done in this state. With such a large AML inventory caused by historical mining, and with such a small amount of active coal mining occurring in the state today, it is quite evident that the funding made available through the minimum program portion of SMCRA, Section 402 (g)(8), is truly important and necessary to the State of Kansas.

- The recent declining economy has left many businesses unable to address their environmental obligations at sites where soil and groundwater contamination have occurred. Many of these sites pose a substantial risk to the water supplies and public health of the residents of Kansas. Obtaining adequate funding to respond to these threats to human health and the environment at orphan sites is increasingly important. For several years funding levels for orphan site remediation and for Superfund cost share have been declining.
- Lack of sufficient funds to respond to Cherokee County mining sites and impacts to surface waters and match for federal superfund cleanups. Funding from Congress has been requested to begin a comprehensive cleanup of the lead and zinc mine waste in Cherokee Co. The agency has been informed that no money will be provided this year and any future allocations will involve a minimum of a 10% match from the state.
- The Bureau of Environmental Remediation is currently working with a national work group to develop standards for vapor intrusion testing at sites where soil and groundwater are contaminated by volatile organic compounds. Vapor intrusion is the migration of volatile chemicals in the subsurface into overlying buildings. Volatile chemicals in groundwater can emit vapors that may migrate through subsurface soils and into indoor air spaces of overlying buildings. This vapor intrusion pathway is a significant health pathway (inhalation pathway) and should be included in the assessment process prior to the redevelopment of contaminated sites. EPA and several states are working to determine what contaminant levels are protective of occupants. Additionally, efforts are ongoing within KDHE to determine what testing methods are most effective in determining which contaminants are attributable to vapor intrusion from a site and which contaminants are from the home owner's activities.
- With the ever present need for economic growth and redevelopment, the Brownfields program offers communities an excellent opportunity to return underutilized properties to productive use. The department has been awarded funding from EPA to conduct and support brownfields activities in the State of Kansas. The agency conducts assessments of property for local municipalities who are trying to redevelop underutilized properties within their communities. These assessments are conducted at no cost to the local government to determine the extent of contamination. Assessments can be performed before they take title to the property. As of December 31, 2004, a total of 50 assessments have been completed with another 8 currently underway. A project the department is currently involved in includes the redevelopment of the riverfront in Downtown Topeka. KDHE will provide technical assistance and oversight to the City of Topeka to assess and cleanup over 30 parcels of property for this project.
- The Bureau also provides technical assistance to support municipalities and other local economic development organizations across the state. This program is an excellent example of the shift in the agency role from strict regulator to that of a support agency. The outcome for the agency will be cleanup of contaminated properties with a benefit for local communities of redevelopment of underutilized property that will produce jobs, increase the tax base or other benefits such as creating a park or residential area.

The **Bureau of Environmental Field Services** provides service to the public and other Division of Environment bureaus through regulatory and compliance efforts, complaint and emergency response, ambient monitoring and pollution prevention efforts. This bureau often serves as the public's first point of contact for investigation and assistance. There are six district offices: Chanute, Wichita, Dodge City (with a satellite office in Ulysses), Hays, Salina and Lawrence. Some staff are located in the Topeka offices. The activities of the bureau staff cross all program lines of the regulatory programs of Air, Water, Waste Management and the tank programs of Environmental Remediation. In addition, this program provides support for the Bureau of Water's implementation of the Clean Water Act through performance of UAAs and sampling for the TMDL program. The activities of the bureau are implemented under working agreements between BEFS and the other four bureaus. It should be noted the district office clerical staff provide service to both Division of Health and Division of Environment staff in the offices.

### **Division of Environment Budget and Finance Information:**

The Division of Environment utilizes a mixture of state general funds, federal funds, state water plan funds and fees to support programs and activities. Expenditures for state fiscal year 2005 and 2006 reflect this mixture of funding sources. The total budget for fiscal year 2006 is approximately \$60 million with fees accounting for 55%, federal funds for 28%, state general fund for 10% and state water plan for 7%. The total budget for fiscal year 2005 is approximately \$60 million with fees accounting for 56.5 %, federal funds for 28.5%, state general fund for 10%, and state water plan for 5%.

The Division of Environment administers two significant revolving loan funds that are not routinely included in the agency budget. These are the Water Pollution Control Revolving Fund and Public Water Supply Loan Fund and were described earlier. Annual reports for both are routinely prepared and submitted.

### **Other KDHE Divisions:**

In addition to the Division of Environment, KDHE includes 3 other operational divisions, the Division of Health, the Division of Health and Environmental Labs, and the Center for Health and Environmental Statistics. Two support divisions, the Division of Fiscal Services and the Division of Human Resources and Service Quality, provide a centralized resource for internal fiscal, personnel and employee needs for the agency.

### **Division of Health:**

KDHE's Division of Health is responsible for investigating disease outbreaks and taking steps to prevent the spread of communicable diseases, as well as preparing for bioterrorism acts against the state. In addition, the Division of Health promotes healthy lives by developing and supporting programs to reduce the preventable chronic diseases and promote health activities such as good nutrition and physical activity. The division also provides assistance to Kansas communities in establishing or modifying health care delivery. It is also responsible for ensuring children's special needs are addressed through screenings and treatments and the administering of two USDA programs: the Commodity Supplemental Food Program (CSFP) and the Special

Supplemental Nutrition Program for Women, Infants, and Children (WIC). Division of Health also licenses and regulates numerous facilities in the state including child care, hospitals, home health agencies/ mental health facilities/ restaurants / and food service facilities. Credentialing of health care workers is also the responsibility of the Division of Health.

Center for Health and Environmental Statistics (CHES):

CHES provides reliable public health statistics by collecting and processing data regarding various health and environmental issues in the state. Vital records including births, deaths, marriages and divorces in Kansas are recorded by this office and made available to individuals according to Kansas law. Health care information data, such as worker's compensation insurance and health insurance data, are collected and studied to determine trends.

Division of Health and Environmental Laboratories (DHEL):

DHEL provides timely and accurate analytical information for public health, and certifies laboratories in the state to assure the quality of services provided. State lab information is used to diagnose and prevent diseases of public health interest that range from AIDS to childhood lead toxicity. DHEL surveillance information also guards the safety of public drinking water as well as ambient air and water quality. Health and environmental analytical operations are performed in accordance with rigid scientific standards.

Dr. Alvin  
Dir. ENG KDFE  
Duane  
Dr. BOLIN E.  
Lab Quality  
Susan Kang