

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES BUDGET

The meeting was called to order by Chairman Larry Powell at 1:30 P.M. on January 30, 2007 in Room 235-N of the Capitol.

All members were present except:
Vaughn Flora- excused

Committee staff present:
Amy VanHouse, Kansas Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Jason Long, Office of Revisor of Statutes
Lura Attig, Committee Assistant

Conferees appearing before the committee:
Rep. Doug Gatewood
Gary Blackburn

Others attending:
See attached list.

Hearing on: **HB 2168 - Relocation and other assistance for people in communities within a superfund site where substantial infrastructure has been lost.**

Rep. Doug Gatewood spoke as a proponent to **HB 2168**. Extensive zinc and lead mining from 1870 to 1970 have left enormous piles, some over 400 feet high, of contaminated "chat" throughout the city of Treece, Kansas. These piles are an environmental hazard to the residents, rendering their property unsaleable and unsafe for children due to the lead contamination. Below the ground are large caverns left by the mining of long ago, some of which have caused cave-ins in the past.

Rep. Gatewood referred to various articles from periodicals which center on the devastation done to this town by the lead contamination. He also included in his testimony affidavits from the City of Treece and some residents who have been affected by the lead (Attachment 1).

The town of Treece, Kansas is down to a population of 149, with a median income of approximately \$22,500 and is suffering true economic disaster. The lead exposure continues and will continue to be detrimental to the health of current and future residents.

This bill will authorize a buyout of property owners and some financial relief to renters. The renters will receive some relocation expenses. It is hoped that some of the chat to be removed can be used to fill in some of the sink holes.

The lead and zinc in the material is a very fine powder and has very few safe uses. Asphalt however, seems to be a good mixture for the chat. It is plausible that the chat could be sold or given to resurface roads when asphalt is used.

Gary Blackburn, Director, Bureau of Environmental Remediation is a proponent of **HB 2168** (Attachment 2). This bill has been developed at the request of the citizens of Treece, Kansas to establish a statutory mechanism to perform a buyout of the small city of Treece located in Cherokee, County. Kansas is seeking federal funding to perform the buyout of Treece, Kansas, which lies within the boundaries of the Cherokee County Superfund site. Treece, Kansas lies immediately north of the city of Picher, Oklahoma, which is being bought out by the state of Oklahoma using primarily federal funds. These two small towns are only separated by the state line and are essentially one community. The residents of Treece, Kansas are impacted by the same issues as those of their neighbors in Picher, Oklahoma.

The area is severely depressed and suffers with contamination resulting from past lead and zinc mining which left hazardous mine waste and the risk of subsidence. The small community is losing much of its infrastructure that has come from Picher, Oklahoma. The bill will allow for the residents of the City of Treece, Kansas to move to similar properties within the county, outside of the mined areas. The trust will

CONTINUATION SHEET

MINUTES OF THE House Agriculture and Natural Resources Budget at 1:30 P.M. on January 30, 2007 in Room 235-N of the Capitol.

offer property owners within the city the opportunity to sell their property, to the trust, for a sum of money that will allow them to purchase similar house elsewhere in the county. Individuals who rent homes or business properties will be allowed one year of rent for a similar property within the county. Moving expenses of between \$1,000 and \$2,000 are allowed.

Chairman Powell closed the hearing and adjourned the meeting at 2:10 P.M.

**House Agriculture & Natural Resources
Budget Committee**

Date Jan. 30, 2007

Name	Representing
Mike Bell	Lawrence Journal - World
Gary Blackburn	KDHE
Jan Humbert	KDHE
Leo Henning	KDHE
John Donley	KS Lusk Assn
Shari Albrecht	KDHE
Rex Buchner	Ks. Geological Survey
FORREST BUIHLER	CITIZEN
Nancy Thellman	"
Karel Bradford	Inter-Faith Ministries
Sarah Casad	Bread for the World
Tim Carpenter	CS
Boet Wallace	Citizen

Minutes of the special council meeting
Treece, Ks Feb 24th, 2006

Meeting was opened by Mayor Bill Blunk.

Council present were: Jim Powell, Judy Blunk, Teresa Palmer, Larry Hargis, Ralph Huston
City Clerk Pam Pruitt, and Janette Huston Treasurer.

This meeting is for the purpose of giving approval to Doug Gatewood to act as an advocate for the City of Treece, and to also approve Gayla Woodcock as the spokesperson for the resident of Treece regarding their concerns about the Tar Creek superfund site, the contamination of the soil, the unstableness of the ground, and the effects on the City of Treece due to the decisions that are made concerning the City of Picher and surrounding area.

Motion was made to give approval by Judy Blunk, seconded by Teresa Palmer,
All voted in favor. Motion carried 5-0

The floor was given to Mr. Gatewood State Representative.

He told us there was two things he needed from the city to proceed ,

- 1- A spokesperson, which was already appointed.
- 2- A Resolution to propose what the residents would like done.

Mr. Gatewood then asked for questions from the residents that were in attendance.

Some of the concerns voiced were but not limited to:

- A- Sinkholes and ventpipes that were in and around the city.
- B- Unstable ground, and highway . (69)
- C- Health Issues due to lead in soil and ground water.
- D- The impact on the city if they buyout Picher, and the decisions they make concerning it.

After discussion he voiced the issues he wanted addressed as soon as possible;

- A- KDHE to take a look into the ventpipes and sinkholes around town.
- B- The sinkholes to be fenced off.
- C- He requested residents to write testimonials and send to him.
- D- He will fax us a model resolution to aid in the preparing of ours.
- E- Check into lead testing for the children.

He requested we get the info to him by March 26th.

We greatly appreciate Mr. Gatewoods assistance in this matter.

Motion made to adjourn by Teresa Palmer, seconded by Ralph Huston.
All voted yes. Motion carried 5-0

CITY OF TREECE
SEAL
CHEROKEE COUNTY, KS

Pamela Pruitt
City Clerk

House Agriculture & Natural
Resources Budget Committee
Date 1-30-07
Attachment # 1

CITY OF TREECE, KS

COPY

Resolution No G-2006-2

Whereas the City of Treece, Kansas is seperated from Picher, Oklahoma only by the state line road and was originally in the plat of land considered the City of Picher.

Whereas residents share many public and community services making Picher and Treece communities of interest.

Whereas these communities of interest also share concerns created by lead and zinc mining contamination and undermining.

Whereas the city of Picher is included in the Tar Creek Superfund program that will be the determining factor in the ultimate outcome of Treece.

Whereas land values have been severely impacted by the environmental concerns broughtforth in the United States Geological Survey and Superfund Designation.

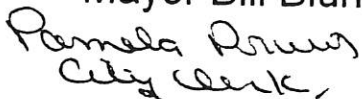
We, the Treece City Council support efforts to include extending the designated superfund area to include, but not limited to, the city of Treece, Kansas, in order to protect the health and welfare of the citizens of the entire community of interest.

Whereas the city of Treece also supplies water to members of the community outside the city limits.

Adopted March 13, 2006



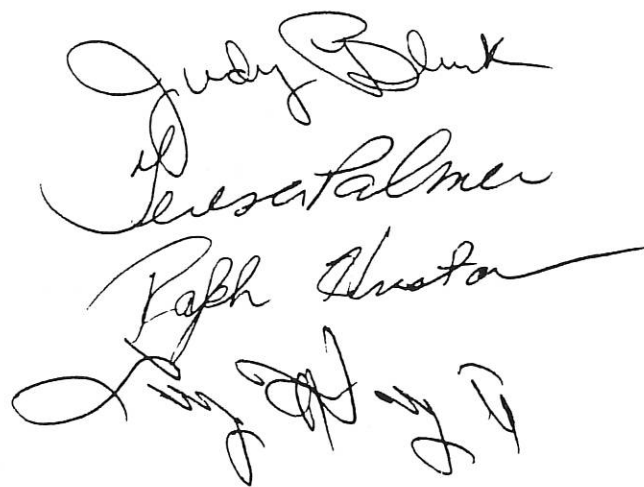
Mayor Bill Blunk


Pamela Powers
City Clerk,

CITY OF TREECE

SEAL

CHEROKEE COUNTY, KS



14,169.

This 4th day of May, 19 84

DAVID L. POOR and BARBARA POOR, husband and wife,
CONVEY AND WARRANT TO
TOMMY G. LEATHERMAN and JANICE F. LEATHERMAN, husband and wife,

as JOINT TENANTS and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, all the following described REAL ESTATE in the County of Cherokee and the State of Kansas, to-wit:

Lots Nineteen (19), Twenty (20) and Twenty-one (21) in Block Ten (10), in the Original Plat to the town of Picher (now Treece), according to the recorded plat thereof; AUBJECT to Mineral Reservations of record and mining rights running therewith;

TR 113
TR 114
TR 115

for the sum of ***ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS*****

EXCEPT AND SUBJECT TO:

COPIED
DIRECT
INDIRECT
NUMERICAL

Dated May 4, 19 84

STATE OF KANSAS, CHEROKEE COUNTY, ss

BE IT REMEMBERED, That on this 4th day of May, A. D. 19 84, before me, the undersigned, Notary Public in and for the County and State aforesaid, came

David L. Poor
David L. Poor
Barbara Poor
Barbara Poor

DAVID L. POOR and BARBARA POOR, husband and wife,

STATE OF Kansas } 1-3
Cherokee County, } ss.
This instrument was filed for record on the

Entered in Transfer Record in my office this 3rd day of May, A. D., 1984
Maureen Soper
County Clerk.

Quit-Claim Deed

ORIGINAL COMPARED WITH RECORD

THIS INDENTURE, made this 9th day of July A. D., 19 87,

between Wilma June North

of Ottawa County, State of Oklahoma, party of the first part,

and Pam & David Pruitt

party of the second part.

WITNESSETH, That said party of the first part, in consideration of the sum of
Three Thousand

her DOLLARS
to her duly paid, the receipt whereof is hereby acknowledged, do es hereby quit-claim, grant,
bargain, sell and convey unto the said party of the second part, and to her heirs and assigns
forever, all her right, title, interest and estate, both at law and in equity, of, in and to, the follow-
ing described real estate, situated in the County of Cherokee

Kansas
State of ~~OKLAHOMA~~ to-wit:

Lots Seven (7) and Eight (8), in Block Eight (8), in
the Original Plat of the Town of Picher (Now Treece),
according to the recorded plat thereof, EXCEPT MINERAL
RESERVATIONS of record and mining rights running therewith

State of Kansas Cherokee County, ss
This instrument was filed for record on

31 day of Oct A.D. 19 88

9:45 o'clock A M. and duly recorded

Book 221 Page 474 Fee \$ 5.00

Andrew Westermelt

Register of Deeds

COPIES
DIRECT
INDEXED
NUMERICAL

Filed for Transfer Record in
County of Cherokee 31st
day of Oct A.D.
1988

Maurice Spear
County Clerk

Together with all and singular the hereditaments and appurtenances thereunto belonging.
TO HAVE AND TO HOLD the above granted premises unto the said party of the second part their
heirs and assigns forever.

In Witness Whereof, The said party of the first part has hereunto set her hand
the day and year above written.

Wilma J North

Testamomial For Ella Jonston And Family

I Am Writing This On Behalf Of My Children And Grandchildren , And For The Health And Safety Of All Children Living In Or Around Treece. I Have Lived Here All My Life And Know First Hand Of All The Dangers Of The Lead And Zinc Mining Fields That Were Abandoned By The Mining Companies And Others . They Were No Plans To Reclaim Any Of The Land. We Have Open Cave-Ins And Shafts That Are Everywhere . The Mine Tailings Or Otherwise Called Gravel Are Contaminated And A Daily Threat To Everyones Health. Our Children Have To Ride The School Buses Across Mined Out Roads And Highways Every School Day. I Have Seen Kids Swim In Cave-ins Filled With Water.

The City Of Treece And Surrounding Areas Need As Much Help As Any Other Places That Are Seen As Unsafe And Health Threating

Sincerely

Ella Johnston



PETROLEUM PRODUCTS

P.O. BOX 367 PICHER, OK. 74360
PHONE: 1-800-656-8415 FAX: 1-620-679-9851

March 10, 2006

Representative Doug Gatewood
Kansas House of Representatives
Kansas State Capitol
300 SW 10th Street
Topeka, Kansas 66612

Honorable Doug Gatewood:

We want to thank you for your interest in our area of Treece, Kansas, and the situation that the community has reference the environmental concerns. The area has many concerns for not only health, but now of more concern are the safety issues. We are aware of your actions through one of employees that volunteered to be on the steering committee for the City of Treece.

We would like to inform you of our concerns from possibly a different aspect, and that being economical due to the unsafe conditions. We are a Kansas Corporation since 1992, with revenue of over \$42,000,000 in 2005. We employ 15 people with a total payroll of \$363,802 in 2006. We have lease drivers of fuel transports in the State of Kansas with a combined income of \$334,673 in 2006.

Since 1996 we have made plans to upgrade our facility located outside the eastern edge of Treece, Kansas city limits. We are located in the State of Kansas on the north boundary line of the state line between Oklahoma and Kansas with Highway 69 on the east side of the property. We have attended meetings with KDOT concerning construction of a "Super Two" highway from Columbus, Kansas to the State Line at our facility. In these meetings, KDOT stated that the curve in the highway at our location would be removed due to the number of accidents at this intersection. We have delayed construction until these the boundaries could be marked due to required distances from highways to fuel storage tanks as required by the Kansas State Fire Marshall. We have now been informed by KDOT that construction of the highway south of the intersection of Highway 69 & 166 will not happen due to the undermining in the area.

The condition of the undermining has Jim Woods Marketing, Inc., looking for another location for our business. We prefer to remain in the State of Kansas, but for the safety of our employees and unable to make capital improvements at our current location are forcing us to look at other locations. We would appreciate any assistance you can give us reference the safety issues involved not only for us, but the community of Treece, Kansas.

Sincerely,

Jim Woods
President

MARCH 14,2006

TO WHOM IT MAY CONCERN;

I AM WRITING CONCERNING THE CONDITIONS OF TREECE KANSAS WHICH, WAS INCLUDED AS PART OF THE ORIGINAL SUPERFUND SIGHT, BUT SOMEHOW IT SEEMS THAT WE HAVE FALLEN THROUGH THE CRACK.

HOPFULLY WE WILL BE CONSIDERED FOR A BUYOUT DUE TO THE UNSAFE CONDITIONS OF OUR TOWN. I AM CONCERNED FOR THE HEALTH AND SAFETY OF CHILDREN AND ADULTS ALIKE WHO ARE LIVING HERE. I FEEL THAT HWY.69 SOUTH OF THE 166 & 69 JCT. IS AS UNSAFE AS THE ONE SOUTH OF PICHER, OKLAHOMA. IT'S LIKE THE STATELINE STOPS ALL DANGERS AND HEALTH ISSUES.

AS A RESIDENT OF TREECE ALL OF MY LIFE UNTIL ONE YEAR AGO, AND STILL OWN PRORERTY HERE AND MY JOB OF TEN YEARS IS HERE . I FEEL WE HAVE ALWAYS DEPENDED ON PICHER, OKLAHOMA FOR ALL OF OUR EMERGENCY PROTECTION SUCH AS FIRE & EMT SERVICES. THEY HAVE ALWAYS BEEN THERE TO TAKE CARE OF THESE NEEDS. TREECE DOES NOT EVEN HAVE 911 SERVICE BECAUSE OUR PHONE SERVICE IS OUT OF OKLAHOMA, SO JUST WHERE DO YOU THINK WE FIT IN?

WHETHER IT BE FEDERAL, STATE OR EPA I THINK WE SHOULD BE CONSIDERED WITH PICHER BUYOUT SINCE THE STATE LINE IS THE ONLY THING THAT SEPERATES US, IT CERTAINLY DOSEN'T STOP THE CAVE-INS AND THE HAZARDOUS HEALTH CONDITIONS THAT HAVE BEEN HERE FOR EVER. I THINK ITS TIME FOR A CHANGE CONCERNING THE HEALTH AND SAFETY OF OUR CHILDREN.**THIS IS JUST A QUOTE FROM ONE OF THE MEN THAT WAS DOING THE GEOLOGICAL SURVEY IN PICHER .” I WOULD NOT SPEND ONE NIGHT IN THIS AREA”. BUT WE AS RESIDENTS OF TREECE AND THE SURROUNDING TOWNS DON'T HAVE A CHOICE WITHOUT HELP FROM OUR GOVERNMENT.** PLEASE DON'T FORGET YOUR RURAL AMERICA FAMILIES. I WANT TO THANK REPRESENTATIVE DOUG GATEWOOD FOR HIS CONCERNS FOR OUR TOWN.

SINCERELY,
SHARON GOINS

620-856-3554

1-8

resolution

MY RESOLUTION,

I fill as though we should be part of the superfund project like Picher, Okla. Because our ground was mined like Picher's was, our ground is very weak and dry and we have cavein's and mine shafts all around us in every direction you go like Picher does,our ground has high levels of lead and zink the same as Picher does,and a lot of people have breathing problems from all the dust in the dirt and sand and gravel that is all around us. If they do away with Picher, here are some of the ways it will afect the town of Treece Ks.

We go to Picher for gasaline from the convenience stores because it is a lot closer to us then any other town. Our Emergency personel come from Picher(ambulance, fire trucks, Tornado warning horn) because they can get here a lot faster then from anywhere else.

Our phone sevice's come out of Picher, without a phone we could not call for help.

Our natural Gas comes from Picher, we would have no way to heat our homes.

Our Cable service's come out of Picher.

We depend on Picher for a lot of things, and without Picher there are a lot of things that we could not have because we live to far away from any other town. We have the same problem's that Picher has. In a way that you look at it, (We are Picher)our town has the same Environmental problems that they have.

THANK YOU!

Della Busby
Lisa Busby
Hailey Busby

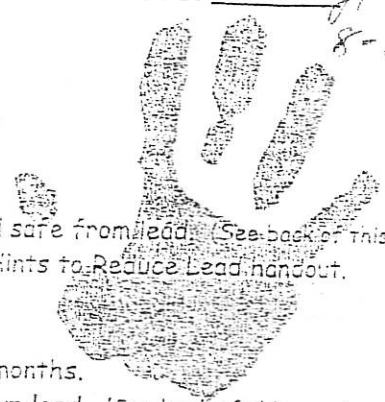
Your Child's Blood Lead Level

Lead can cause damage before any signs show. That's why blood lead tests are so important. Blood lead levels are measured in "micrograms of lead per deciliter" of blood, or "µg/dL."

Child's Name: Hailey Busby Blood lead level <5.0 µg/dL

8-16-05

- Less than 5** No action is taken unless exposure sources change.
Continue to test yearly.
- 5-14** Retest within 3 months.
Feed your child a healthy diet and help keep your child safe from lead. (See back of this page)
Reduce lead in your child's environment. See Helpful Hints to Reduce Lead handout.
- 15-19** Confirm with a venous blood lead test within one to 3 months.
Feed your child a healthy diet that will help protect from lead. (See back of this page)
Reduce lead in your child's environment. See Helpful Hints to Reduce Lead handout.
- 20-24** Confirm with a venous blood lead test within 2 weeks.
Feed your child a healthy diet that will help protect from lead. (See back of this page)
Reduce lead in your child's environment. See Helpful Hints to Reduce Lead handout.
- 25-44** Confirm with a venous blood lead test within 1 week.
Take your child for a medical exam.
Feed your child a healthy diet that will help protect from lead. (See back of this page)
Reduce lead in your child's environment. See Helpful Hints to Reduce Lead handout.
- 45-69** Confirm with a venous blood lead test IMMEDIATELY.
Take your child for a complete medical evaluation immediately.
Reduce lead in your child's environment. See Helpful Hints to Reduce Lead handout.
- 70 or above** **A MEDICAL EMERGENCY.**
Get immediate medical treatment.
Contact local health department or the Kansas Childhood Lead Poisoning Prevention Program to identify the lead hazards in your child's environment.



For more information contact:
Your Local Health Department
or

Kansas Childhood Lead Poisoning Prevention Program
1-866-865-3233 Toll Free
lead@kdhe.state.ks.us
www.unleadedks.com

CHEROKEE CO. HEALTH DEPT.
P.O. Box 107, 110 E. Walnut
Columbus, Ks. 65725
620-429-3087
Fax 620-429-3623

TESTAMONIALS
TESTAMONIAL FOR TREECE,KS

MY NAME IS GAYLA WOODCOCK AND I WAS BORN IN OMAHA NEBRASKA,BUT WE MOVED TO THIS AREA WHEN I WAS A SMALL CHILD, I WAS RAISED IN GALENA KANSAS, MY PARENTS BOUGHT A HOME AND THEY WERE NOT AWARE OF THE DANGER WE AS THEIR CHILDREN WERE IN , I PLAYED IN THE CHAT PILES AND HID IN THE SHAFTS, WHAT I'M GETTING TO IS THAT IT WAS NOT ASKED IF I WANTED TO MOVE ON MINED LAND.

WE KNOW THAT IS THE REBUTAL SOME OF GOVERNMENT OFFICALS ARE ASKING IS WHY WOULD YOU LIVE THERE , WELL WE ARE VERY CLOSE KNIT FAMILIES AND WE LOVE OUR HOMES AND WE LOVE OUR FAMILIES.

WHAT WE ARE ASKING IS WHY WOULD THE FEDERAL GOVERNMENT NOT MAKE THE MINING COMPANIES TAKE RESPONSIBLITY FOR THE CONTAMINATION THEY LEFT BEHIND AND MAKE THIS A BETTER COMMUNITY TO LIVE IN , WE ARE UNDER THE IMPRESSION THAT WE ARE AS IMPORTANT AS ANY OTHER COMMUNITY ,SO WHY WOULD IT NOT BE THE MINING COMPANIES RESPONSIBILITY TO BUY OUT THE RESIDENTS OF THE COMMUNITY OF INTEREST.

OUR LAND THAT WE BOUGHT YEARS AGO IS NOT WORTH ANYTHING COMPARED TO WHAT WE GAVE FOR IT, WITH ALL THE NEWSPAPERS AND TELEVISION REPORTING THAT THE LAND IS CONTAMINATED THE BANKS AND ANY OTHER FINANCIAL INSTITUTE WOULD NOT LOAN OR BUY LAND IN THE AREA.

THERE IS A VERY LARGE VOID I BELIEVE



K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

**Testimony on House Bill 2168
Act Concerning Relocation of
Communities within Superfund Sites**

to

House Agriculture and Natural Resources Budget Committee

Presented by Gary Blackburn

Director, Bureau of Environmental Remediation

January 30, 2007

Chairman Powell and members of the Agriculture and Natural Resources Budget Committee, I am pleased to appear before you today in support of House Bill 2168.

This bill has been developed at the request of the citizens of Treece to establish a statutory mechanism to perform a buyout of the small city of Treece located in Cherokee, County. Kansas is seeking federal funding to perform the buyout of Treece, which lies within the boundaries of the Cherokee Co. Superfund site. Treece lies immediately north of the city of Picher, OK, which is being bought out by the state of Oklahoma using primarily federal funds. These two small towns are only separated by the state line and are essentially one community. The residents of Treece, KS are impacted by the same issues as those of their neighbors in Picher.

The area is severely depressed and suffers with contamination resulting from past lead and zinc mining which left hazardous mine waste and the risk of subsidence. In addition to these problems, this small community is losing much of its infrastructure that has come from Picher. The bill will allow for the residents of the City of Treece to move to similar properties within the county, outside of the mined areas. The trust will offer property owners within the city of Treece the opportunity to sell their property, to the trust, for a sum of money that will allow them to purchase a similar house elsewhere in the county. Individuals who rent homes or business properties will be allowed one year of rent for a similar property within the county. Moving expenses of between \$1,000 and \$2,000 are allowed.

This bill establishes the trust to manage the federal funds being sought for this buyout. This buyout can only be successful if the \$6,800,000 in federal funds is obtained. KDHE has been informed that the federal funds being sought for this action will require a 10% state match. With the state of the federal budget there is no assurance that the federal funds will be obtained; however, without this legislation the buyout cannot take place.

The residents of the city of Treece have lived within the area of the mine waste for many years. Residents have become concerned about a study of the Picher; OK area conducted by the US

DIVISION OF ENVIRONMENT

Bureau of Environmental Remediation

CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 410, TOPEKA, KS 66612-1367

Voice 785-296-1660 Fax 785-296-1686 <http://www.kdhe.state.ks.us/>

House Agriculture & Natural
Resources Budget Committee

Date 1-30-07
Attachment # 2

Geological Survey indicating a significant risk of subsidence existed within the Picher area. Based on this report, the state of Oklahoma began the buyout process for Picher. Buying out Treece properties will remove the residents who live within the contaminated area, eliminating any exposure that might occur during the future remedial action. The remedial effort, under the Superfund Program, will take between 10 and 15 years to complete. Removal of the residents will eliminate the risk of injury due to the potential for a catastrophic subsidence.

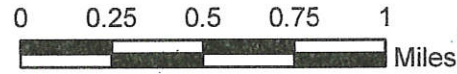
If the buyout is successful, the trust will hold the property until such time as the cleanup design for the area can determine what future use of the property will serve the public good. The nature of the cleanup will limit the future use of the property; however, any future use must not pose a risk to the public or damage the integrity of the Superfund cleanup.

Thank you for the opportunity to appear before the House Agriculture and Natural Resources Budget Committee and I will gladly stand for questions the committee may have on this topic.

Mine Wastes Located Around Treece, KS



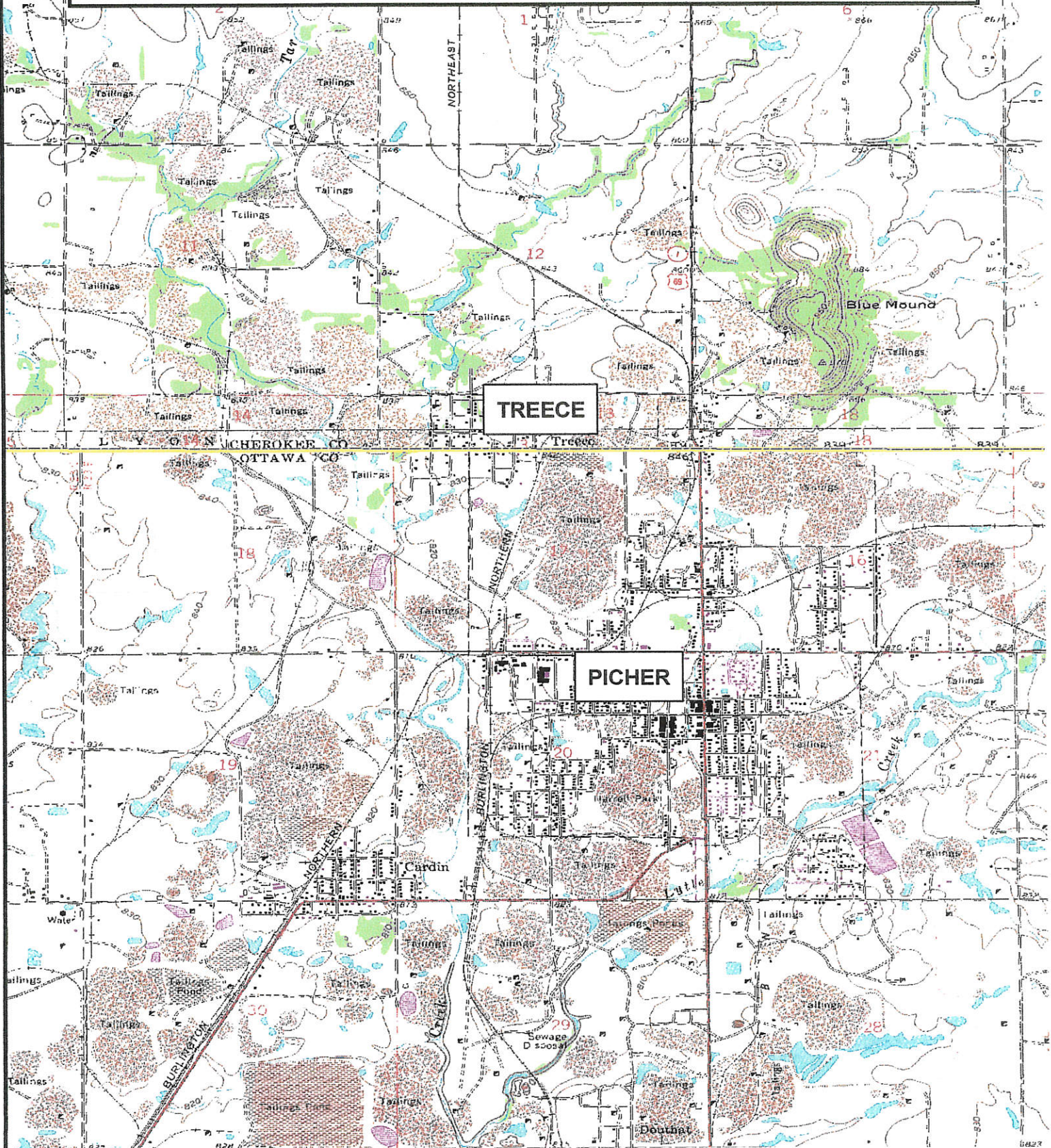
Mine Wastes



Ch...

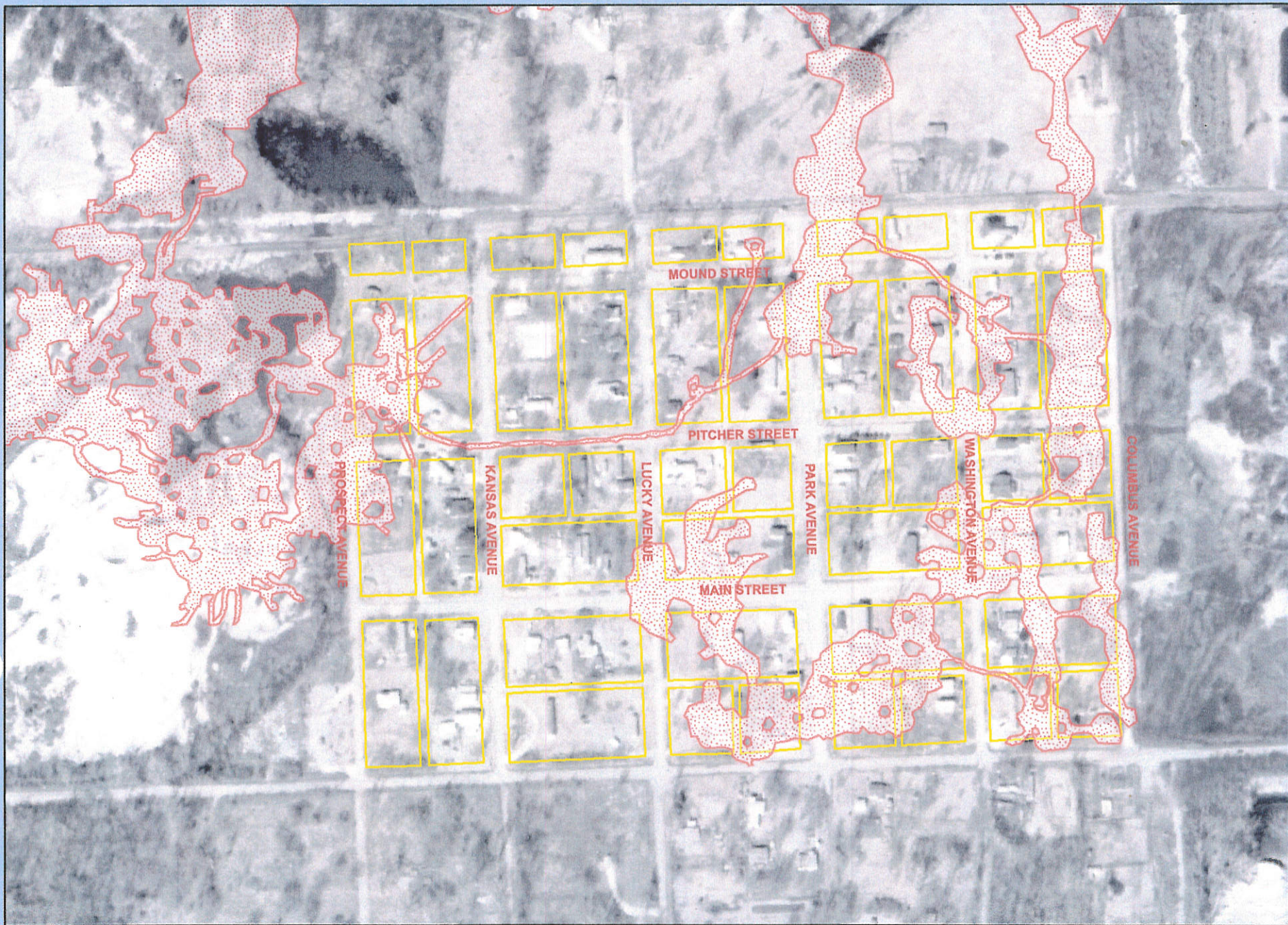
For planning purposes only. Created January 10, 2007

Orthophotography and Digital Raster Graphics obtained from Kansas Data Access Support Center & Oklahoma Geo Information Systems





CHUBB MINE UNDERGROUND WORKINGS

4-2



For KDHE internal use only



- Legend**
-  underground workings
 -  parcels