



## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S of the Capitol  
at 3:30 p.m. on February 1, 2000.

The Chairperson announced that committee minutes of meetings January 10, 11, 18, and 20, have been distributed for members to review. A vote will be taken in the next committee meeting to approve them.

Chairperson Freeborn welcomed David Pope, Chief Engineer-Director, Division of Water Resources, Kansas Department of Agriculture. Mr. Pope appeared before the committee to discuss the interstate transfer of water. Kansas water law does provide for water to be diverted for transported for use in another state, if it complies with certain conditions. This provision is found in K.S.A. 82a-726, and it requires any person intending to divert water transport to another state to have a permit from the Chief Engineer. It further requires that the Chief Engineer approve the permit if all provisions of the Water Appropriation Act (K.S.A. 82a-701 et seq.), the Water Transfers Act (K.S.A. 82a 1501 to 1506), and any other state law pertaining to such diversion, transportation and use of water, are met. Approval also requires terms, conditions and limitations, as necessary, to protect the public interest. The law also has provisions to protect the health and safety of Kansans. (See attachment 1) Please refer to the attachment for the law concerning transport of water to another state (K.S.A. 82a-726) Questions and discussion followed.

Chairperson Freeborn welcomed Dr. Ron Hammerschmidt, Director, Division of Environment, Kansas Department Health and Environment. Dr. Hammerschmidt appeared before the committee to address air issues related to the use of MTBE (Methyl tertiary-butyl ether). MTBE is an octane enhancer and is used to make gasoline burn cleaner and produce less air pollution. It is soluble in water and has been found in soil and groundwater near leaking storage tanks, along with benzene, toluene, and other contaminants. (See attachment 2)

The Chairperson welcomed Karl Mueldener, Director, Bureau of Water, Kansas Department Health and Environment. Mr. Mueldener addressed water issues related to MTBE. Since 1996, 27,935 water samples from public water supplies have been tested for MTBE and the compound has been detected 101 times. The latest round of sampling has shown 18 of the state's 1, 122 public water supplies have had some detect of MTBE in one or more of their sources since 1996. Detected levels of MTBE range from 0.5 to 90 parts per billion. As part of an a petroleum storage tank release investigation, MTBE was detected at levels significantly higher than 90 ppb at one water supply. A treatment system was designed and installed in response to this problem and has effectively removed the MTBE from the water system. (See attachment 2)

The Chairperson welcomed Gary Blackburn, Director, Bureau of Environmental Remediation, Kansas Department Health and Environment. Mr. Blackburn addressed the cleanup project being undertaken to eliminate MTBE from the soil and groundwater, which is only part of the overall clean up project. Kansas Department Health and Environment has worked with owners of the underground storage tanks (USTs) to ensure that all active tanks have been upgraded to the new standards which went into effect in December of 1998. These requirements for USTs will dramatically reduce the number of releases in the future. Additionally, owners of USTs are required to perform routine testing of tanks to detect and eliminate releases quickly. (See attachment 2) Questions and discussion followed.

The Chairperson thanked conferees for their presentations and committee members and guests for their attention. She reviewed the agenda for Thursday, February 3. The committee will be have hearings on **HB2727**, concerning big game and on **HB2751**, concerning solid waste; concerning recycling.

The meeting adjourned at 4:40 p.m. The next meeting is scheduled for February 3, 2000.