

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on March 16, 2000.

appeared before the committee in support of the bill, which imposes a moratorium on new wastewater disposal facilities and discharges over the Equus beds. The Department of Agriculture drafted this legislation over a month ago in an attempt to address concerns they heard coming from both citizens and elected officials in south-central Kansas and the agricultural community. Many of the other bills that focused solely on agriculture do not address the concerns raised by these groups. The elected leadership and citizens of south-central Kansas and others have expressed a strong desire to protect the water in the Equus beds. She reviewed a list of their published comments, clearly outlining their views. The Department is pleased with the efforts of Dr. Hamm and Kansas State University to provide sound science which shows that producers can operate in a safe fashion. They are pleased with Executive Order 00-04, signed by Governor Graves, and also with KDHE's approach toward a site and species specific permitting process, based on sound science. (See attachment 2)

Ronald Hammerschmidt, Director, Division of Environment, Kansas Department of Health and Environment, was welcomed. He addressed the committee in support of the bill. The Department has suggested an amendment which essentially removes water supplies from the moratorium. Water supplies include water wells, water lines, water towers, treatment plants, and other facilities associated with water supply infrastructure. The Department considers these water supply structures as protective of public health and does not consider water supplies a significant pollution threat to groundwater. They offered amendments to Senate Bill 636, the companion, and now offer the same amendments to this bill. Their intent is to make this a responsible, yet feasible piece of legislation. (See attachment 3)

Charles Benjamin, Sierra Club and Kansas Natural Resource Council, was welcomed to the committee. He testified in support of the bill and commends the Governor for issuing Executive Order 00-04, asking the Kansas Department of Health and Environment to compile records on existing and potential pollution sources to the Equus beds aquifer. This executive order is a recognition of the genuine concerns expressed by the citizens and local officials of south central Kansas that sufficient resources be devoted to remediation of past instances of man made pollution and the avoidance of future instances of man made pollution to an aquifer so many rely on for irrigation, industry and everyday drinking water. The Equus beds are too precious a natural resource and the legislature has invested too much of the public's money in research to take any chances that new swine waste lagoon facilities are constructed without the benefit of new rules and regulations based upon sound science because of a loophole in existing law. (See attachment 4)

Written testimony only, in support of the bill, was submitted by Karol Schlicher, United Methodist Church, Kansas West Conference, Wichita, Kansas. (See attachment 5)

Kim Gulley, League of Kansas Municipalities, was welcomed. She testified in opposition to the bill. The League understands and is sensitive to the environmental concerns that have been raised with respect to potential groundwater contamination. The cities of this state are willing to accept and enforce reasonable regulations to ensure that our water supplies are protected. However, they believe that the provisions of this bill are premature and overbroad. They listed three primary objections to this legislation. (1) Scope. The bill places a moratorium on wastewater treatment facilities, water supply systems, and confined feeding facilities. However, other types of dischargers including certain agricultural uses, oil and gas dischargers are not included. It is unclear why municipal facilities and confined feeding facilities would be lumped together and treated differently than other dischargers. (2) Water Quality Standards. Because the bill places an absolute moratorium on lagoons used for wastewater facilities, some small cities may be placed in the untenable position of either violating this new legislation or violating existing water quality standards established in state law. (3) Moratorium is Premature. They have not seen any scientific evidence that municipal lagoons are contaminating the equus beds. They would support any efforts to study the issue and believe that decisions as to the location of lagoons should be made on a site-specific, scientific basis, rather than by an arbitrary moratorium. (See attachment 6)

Rich McKee, Kansas Livestock Association, was welcomed. He testified in opposition to the bill and believes this bill would impose a moratorium on any further permits within the Equus beds region. The Association does not believe a moratorium is the best way to address concerns over improving the way we protect water quality. Rather than pass this bill, they think a more prudent approach would be to closely analyze the research being conducted by Kansas State University to see what, if any, additions can be made to existing

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regulations. (See attachment 7)

Bill Fuller, Kansas Farm Bureau, was welcomed to the committee. He testified on behalf of Farm Bureau in opposition to the bill. This bill prohibits the Secretary of the Kansas Department of Health and Environment and the cities and counties in the Equus beds region from issuing any new permit for a confined feeding facility, swine facility, a waste water treatment facility, system or lagoon that discharges sewage until July 1, 2001. The 442 farm and ranch members selected by the 105 county Farm Bureaus to serve as voting delegates at the 81st Annual Meeting of Kansas Farm Bureau reviewed and reaffirmed policy opposing a moratorium on any agricultural operation: "We oppose the imposition of a moratorium on the development of any agricultural crop or livestock production facility or operation." They believe that all entities share the responsibility of protecting water quality. Farmers and ranchers have a history of good stewardship, strive to be proactive and will continue to accept their environmental responsibilities. As long as we continue working together, this bill and all similar legislation will not be needed. Without well documented, science based evidence of real threats to our natural resources, government should not halt the expansion, development of construction of any business or industry. (See attachment 8)

Written testimony only, in opposition to the bill, was submitted by Karen France, Director of Governmental Relations, Kansas Association of Realtors (See attachment 9) and M. S. Mitchell, Legislative Chair for the Kansas Building Industry Association. (See attachment 10)

Mike Jensen, Executive Vice-President, Kansas Pork Producers Council, was welcomed. He addressed the committee in a neutral position and believes this is very interesting legislation in that it considers other industries in the same arena that the pork industry has faced alone for the last several years. That means being considered guilty without substance or facts. Pork producers in this state are very bullish on their environmental record. We were the first state to institute a voluntary environmental audit program. In fact, they have scheduled an open audit next month to allow media and any interested legislators to see first hand, what a modern pork operation is like, but most importantly, for your insight as to how thorough an assessment is. He believes, if the goal is truly to protect the Equus beds, and not single out the weakest, most unpopular industry to attack, encourages the committee to fully support the Governor's Executive Order 00-04. He is confident they will find that swine production has not in any way impaired the Equus beds, and in fact, others may be responsible. (See attachment 11)

Jolene Grabill, Regional Economic Area Partnership (REAP), was welcomed to the committee. She testified in a neutral position to the bill and believes without question, REAP's number one priority in 2000 is to "Guarantee that there is absolutely no threat to the region's public water supply." The legislative debate this year on groundwater protection, in particular for those from the third house representing local governments or the swine industry, have been forced to move past fear and toward a process for gathering the facts needed to make responsible decisions. Both the new Equus Beds Database and the products of Kansas State's research will give the tools needed to keep their efforts focused on the facts. She personally hopes the dialogue begun on this issue, this year, will continue and strengthen over time. (See attachment 12) A copy of the Governor's Executive Order on Equus Beds and a statement from Secretary of Kansas Department Health and Environment, Clyde Graeber, was distributed. (See attachment 13) Questions and discussion followed.

The Chairperson closed the hearing on **HB2987**. She announced that the next meeting is scheduled for Tuesday, March 21.

The meeting adjourned at 4:50 p.m. The next meeting is scheduled for Tuesday, March 21, 2000.