



Testimony on Sub. HB 2207
to
The Senate Natural Resources Committee
By John W. Mitchell
Kansas Department of Health and Environment
March 13, 2013

Good morning Chairman Powell and members of the committee. I am John Mitchell, Kansas Department of Health and Environment (KDHE) Director of the Division of Environment. I appear before you today to present KDHE's position in support of Substitute House Bill 2207. The intent of Sub. House Bill 2207 is to allow owners or operators of confined feeding facilities to establish their required separation distances prior to the submission of a complete application.

The bill would allow owners or operators to establish separation distances prior to the submission of a complete application. This change would ease the burden of the regulated community by establishing separation distances at the time of registration rather than at the time post-registration when a completed application is submitted. Notice that a new or modified facility is being proposed would still be given to adjacent landowners and neighbors that a confined feeding facility is being proposed on land near theirs.

While KDHE is appreciative of the fact that time is needed to develop a survey and engineering plans for the site, the bill would limit the time that the established separation distances would be valid to an initial 18 months with the possibility of extension for an additional 18 months if deemed appropriate by the Secretary of Health and Environment. KDHE believes that 3 years to develop a complete application is sufficient in most cases. Allowing additional time past this three year period could impact surrounding landowners should they want to develop a habitable structure on their property in the future.

The bill also would strike the language that swine less than 55 pounds are not counted towards a federal permit. This change is proposed to be consistent with federal requirements found at 40 CFR 122.23.

I would note that the fiscal note developed by KDHE anticipates minimal fiscal impact and any additional staff time would be absorbed by existing staff.

Thank you for the opportunity to present the position of KDHE with the intent of Substitute House Bill 2207 and I will be happy to respond to questions at the appropriate time.

SEN. NATURAL RESOURCES

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Attachment # 6