

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2363

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2363 would require that the rules and regulations adopted by the Secretary of Health and Environment pursuant to provisions of law pertaining to the prevention of surface water, subsurface water, and soil pollution not apply to land-based sand and gravel pits or aggregate mining operations utilizing washwater ponds. This provision would apply if the only water or wastewater directed to the dredge pit or washwater pond consists of dredge return flows, flows generated from aggregate classification, or flows from washing aggregate, if water used in the flows is returned to the dredge pit or washwater pond.

In addition, the bill would provide that in locations in the state where the average potential net evaporation is less than 18 inches per year, as determined by the Chief Engineer, the Chief Engineer would issue a single term permit for the life of a sand or gravel pit project not to exceed 80 years for secondary uses of water. Secondary beneficial uses, as provided for in existing law, would include hydraulic dredging and sand washing.

Background

This bill was introduced at the request of a spokesperson for the Kansas Aggregate Producers' Association.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

At the House Committee hearing on the bill, a spokesperson from the Kansas Department of Health and Environment (KDHE) appeared in support of the bill. The conferee indicated that only the portion of the bill involving rules and regulations regarding water pollution pertain to KDHE. The conferee indicated the bill does not affect the manner in which KDHE addresses most land-based sand, gravel, and aggregate operations. The conferee stated that if all of the washwater and dredge water from the operation is directed back to the pit or pond and does not discharge water to the surface, then no pollution permit is required. The conferee noted that if the pit discharges water to the surface or there is stormwater discharge, then a federal National Pollutant Discharge Elimination System (NPDES) permit would be required.

A spokesperson from the Kansas Aggregate Producers' Association also appeared in support of the bill. This conferee noted the bill would exempt the industry from the more stringent requirements contained in the statutes relating to confined animal facilities, particularly those which have in some cases required the conferee's industry to use clay liners to protect the groundwater. The conferee noted the expense associated for engineering and compliance.

No one appeared before the Committee as a neutral on the bill or in opposition to the bill.

The House Committee amended the bill in a clarifying manner and provided that the single term permit for secondary beneficial uses would be for the life of the project, not to exceed 80 years.

The fiscal note on the original bill states the Department of Agriculture estimates the bill would exempt approximately ten sand and gravel pits or aggregate mining sites from water flow meter requirements when water is used for hydraulic dredging and sand washing. The bill would produce savings of between \$500 and \$1,000 each for those site owners

affected. Passage of the bill would have no fiscal effect for the Department of Agriculture.

The fiscal note also states the Kansas Department of Health and Environment indicates that if a pit or pond only accepts dredge return flows, water from aggregate classification, or flows from washing aggregate, and there is no surface discharge from the pit or pond, no federal NPDES permit would be required. The passage of the bill would not have a fiscal effect for KDHE. Any fiscal effect associated with the bill is not reflected in *The FY 2014 Governor's Budget Report*.