

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on March 8, 2001 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Mary Torrence, Revisor of Statute's Office
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Dr. Steven Graham, Agriculture Department, Waters Hall,
Kansas State University, Manhattan, KS 66506
Dr. William Hargrove, Director (KCARE), 044 Waters Hall,
Kansas State University,, Manhattan, KS 66506
Dr. Alan Schlegel, Professor and Agronomist,
Dr. Jay M. Ham, Professor, Department of Agronomy,
Kansas State University, Manhattan, KS 66506
Mike Beam, Kansas Livestock Association 6031 SW 37th,
Topeka, KS 66614-5129
Terry Leatherman, Kansas Chamber of Commerce and
Industry, 835 SW Topeka Blvd., Topeka, KS 66612-1671
Greg Krissek, Director of Operations, Kansas Corn Growers
Association, PO Box 446, Garnett, KS 66032-0446
Leslie Kaufman, Kansas Farm Bureau, 2627 KFB Plaza,
Manhattan, KS 66505-8508
Francis Kelsey, Northwood Farms Inc., PO Box 127, Silver
Lake, KS 66539-0127
Gary Blackburn, Director, Bureau of Environmental
Remediation, Division of Environment, KDHE, Forbes Field
740, Topeka, KS 66620-0001
Tom Palace, Executive Director, Petroleum Marketers &
Convenience Store Association, 201 NW Hwy 24, Suite 320,
Topeka, KS 66608-0479
Joe Lieber, Kansas Cooperative Council, 816 SW Tyler, Ste
300, Topeka, KS 6612

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She reviewed the committee agenda for Tuesday March 13. She announced there will be a meeting at 12:00 p.m. to 1:30 p.m. on that day, at the Dillon House for all House members, to review **Senate Substitute for SB204**. Lunch will be provided.

The Chairperson welcomed Dr. Steven Graham, Kansas State University, to the committee. He introduced the K-State staff that was briefing the committee on the Animal Waste Lagoon Research Project report, with the use of overhead slides.

Dr. William Hargrove, Director (KCARE) summarized highlights from the study of animal waste lagoons. Seepage rates have been measured for a total of 18 lagoons in Kansas, including beef cattle, dairy, and swine. In the past year, the focus has been on the Equus Beds Region; measured 2 swine and 2 cattle lagoons; all of these had seepage rates less than or equal to 0.03 in/day. There is no evidence that fecal coliform bacteria seep through the bottom of lagoons; there is evidence that large amounts of chloride seep through lagoons and moves to greater depths than ammonium; it is difficult to assess the environmental impact of chloride leaching. The risk of groundwater contamination is determined by the soil properties underneath the lagoon,

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the concentration of the waste, and the depth to groundwater; because these factors vary from location to location, site specific guidelines are needed for lagoon design, permitting, and closure; they have developed such guidelines and delivered them to KDHE. (See attachment 1) Questions and discussion followed.

Dr. Alan Schlegel, Professor and Agronomist reviewed the impact of land application of swine and beefcattle wastes on soil properties and crop growth. Animal wastes can be a valuable resource for crop production and can enhance soil chemical and biological properties. However, improper management of animal wastes can cause environmental concerns and have deleterious impact on soil physical properties. Recent legislation in Kansas requires monitoring of soil chemical properties on soils receiving application of wastes from larger swine facilities. Based on soil test phosphorus (P) levels, application of swine wastes may be restricted or even eliminated on particular fields. Best management practices (BMP's) have been established to minimize excessive buildup of soil test P. However, the impact of these BMP's has not been validated in field settings. Although only swine wastes are regulated by the Kansas legislation (HB2950), there are proposed national standards that would regulate land application of wastes from other animal types (including beef cattle). Since beef cattle produce the most waste in confined feeding operations in Kansas, this project includes application of both swine and beef cattle wastes. The objectives of this research are to determine the impact of application of swine and beef cattle wastes on soil properties (chemical, biological, and physical) and crop growth; and to evaluate and validate the effectiveness of current BPM's. (See attachment 2) Questions and discussion followed.

Dr. Jay Ham, Professor, Department of Agronomy, reviewed Animal Waste Lagoons and Water Quality results from a four year field investigation. He addressed questions as to: What is the seepage rate from lagoons; What materials are in lagoons that may pose a threat to groundwater quality; What happens to contaminants that do seep from lagoons; How is the risk of groundwater contamination affected by location, type of operation, soil type, etc.; and What are the best management strategies for lagoon design, construction, and management He discussed key factors affecting risk of groundwater contamination; Depth to water table; Soil properties (% clay) between lagoon and water table; Concentration in waste (species); and Duration of lagoon use (lagoon age). Although their research has not explored every conceivable aspect of lagoon use, data from over 35 sites suggests that the risk of groundwater contamination from lagoons is minimal except in areas with vulnerable aquifers (30 feet deep, sandy soils). This statement is made assuming all abandoned lagoons are proper. (See attachment 3) Questions and discussion followed.

Chairperson Freeborn thanked the K-State presenters for their staff briefing. She opened hearing on **SCR 1605**.

SCR1605: A concurrent resolution urging the Bush administration to withdraw certain environmental protection agency regulations.

The Chairperson welcomed Mike Beam, Kansas Livestock Association to the committee. He provided testimony in support of the resolution and has concerns with two issues mentioned. KLA members are opposed to the July 3, 200 EPA regulations and are hoping EPA will make considerable changes in their proposed Confined Animal Feeding Operation (CAFO) guidelines. Two documents that outline analysis and views on these issues are attached. (See attachment 4)

Terry Leatherman, Vice President, Legislative Affairs, Kansas Chamber of Commerce and Industry, was welcomed and testified in support of the resolution. The Kansas Chamber has been very concerned about the actions of the federal Environmental Protection Agency (EPA) this past summer and fall regarding water quality issues in Kansas. In September, the EPA action prompted the KCCI Board of Directors to support a policy statement opposing this federal takeover of the state's responsibility to regulate the water quality in Kansas. The EPA's actions has certainly drawn the attention of citizens and trade associations in the state, as well as the Kansas Congressional delegation. Passage of the resolution adds the collective voice of the Kansas Legislature to this effort to retain the state's right to manage its water quality. (See attachment 5)

Greg Krissek, Kansas Corn Growers Association, was welcomed. He testified in support of the resolution and believes it sends an important message to the Bush Administration and the US Congress about Kansans'

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concerns about the water quality regulations proposed for the state last summer by the US Environmental Protection Agency. These proposed regulations have been highly visible the last nine months due to their potential far reaching impacts and expected effects upon every citizen of our state. With new leadership in the federal government and USEPA, their organizations hope that the opportunity exists for Kansas leadership to begin new discussions concerning these proposed regulations with the goal of resolving issues that remain in dispute. (See attachment 6)

Leslie Kaufman, Associate Director, Public Policy Division, Kansas Farm Bureau, was welcomed to the committee. She testified in support of the resolution on behalf of Farm Bureau. Farm Bureau's farmer and rancher members strongly support the authority of the state to properly, reasonably and appropriately regulate water quality in Kansas. EPA's proposed rule making that attempts to convert the state designated uses and potentially regulate farm ponds brought widespread opposition from Farm Bureau members. (See attachment 7) She introduced Francis Kelsey, Northwood Farms, Inc., to the committee.

Francis Kelsey, Northwood Farms, Inc., a farmer in the Kansas River Valley west of Topeka, was welcomed to the committee. He testified in support of the proposed resolution asking the federal government to withdraw some of the environmental regulations that were proposed by the Environmental Protection Agency during the past year. He outlined the reasons why he supports the resolution and is encouraged that a more common sense approach is being shown towards the regulation process in Washington, and would encourage the federal government to incorporate a sound scientific approach when writing environmental regulations. (See attachment 8) Questions and discussion followed.

Written only testimony was submitted by Jamie Clover Adams, Secretary, Kansas Department of Agriculture, in support of the resolution. (See attachment 9)

Written only testimony was submitted by Doug Wareham, Kansas Grain and Feed Association and the Kansas Fertilizer and Chemical Association, in support of the resolution. (See attachment 10)

There were no opponents to the resolution. Chairperson Freeborn closed the hearing on **SCR1605**. She asked if the committee wished to take action.

Rep. Sharon Schwartz made a motion SCR1605 be passed favorably. Rep. Ray Merrick seconded the motion. Motion carried. Rep. Sharon Schwartz will carry the resolution on the House Floor.

The Chairperson opened hearing on **SB183**.

SB183: An act concerning the Kansas storage tank act; relating to funds.

Gary Blackburn, Director, Bureau of Environmental Remediation, KDHE, was welcomed to the committee. He testified in support of the bill. The federal EPA passed regulations affecting underground storage tanks in December of 1988 which included the requirement for owners and operators of underground tanks to obtain pollution liability insurance. The Kansas Storage Tank Act created the reimbursement fund for underground tanks to satisfy that requirement. The provisions for the third party insurance coverage were assigned to a program within the Insurance Department. The act was amended in 1992 to include a reimbursement fund for aboveground tanks. Since the inception of the funds owners of about 1900 sites have participated in the underground and aboveground funds with an average of 9 new sites being added each month. Current projections indicate that the underground and aboveground funds will continue to add 9 to 10 sites per month. Extension of the sunset will save about \$100,000 per year in state general funds which would be needed after 2004 to replace underground funds which are currently being used to match a federal Leaking Underground Storage Tank grant. (See attachment 11)

Tom Palace, Executive Director, Petroleum Marketers and Convenience Store Association of Kansas, was welcomed and testified in support of the bill. PMCA of Kansas urges the committee to approve the extension of the underground and aboveground trust fund when it sunsets in 2004. He believes Kansas is very fortunate to have one of the best environmental trust funds in the country, not only as to how the fund was established

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but also by the management of the fund by the Kansas Department of Health and Environment. The trust fund provides the financial assurance to the people of Kansas that they will live in a clean and safe environment where any spill or leak from an underground or aboveground storage tank can be remediated quickly and successfully. (See attachment 12)

Joe Lieber, President of the Kansas Cooperative Council, was welcomed to the committee. He testified in support of the bill. The Council supports the bill because of the success of the State's storage tank program. This program has helped Kansas to clean up the environment and at the same time it has helped to keep the tank owners from going broke when there is a leak that they need to clean up. The Council also supports the amendment offered by the Petroleum Marketers. It is their understanding that this amendment will allow the unused premiums for the third party insurance, to be given back to the tank owners instead of being put into the Cleanup Fund. The tank owners are not getting off free when there is a leak, they must pay the deductible. (See attachment 13) Questions and discussion followed.

There were no opponents to the bill. The Chairperson closed the hearing on **SB183**. An amendment to the bill was distributed and the changes were explained by Mary Torrence, Revisor of Statutes.

Rep. Bruce Larkin made a motion the amendment on page 3 line 19 strike "transferred to such fund from the plan" insert "refunded from the plan to the insureds in proportion to the amount each has paid into the plan;" be adopted. Rep. Ray Merrick seconded the motion. Motion carried.

Rep. Bruce Larkin made a motion the bill be passed as amended. Rep. Becky Hutchins seconded the motion. Motion carried. Rep. Bill Light will carry the bill on the House Floor.

Chairperson Freeborn reviewed the committee agenda for next week, Tuesday, March 13 and Thursday, March 15. The meeting on March 13 will be on Gas Storage near the City of Hutchinson. The meeting on March 15 will have possible action on **SB237** and review of **Senate Substitute for SB204**.

The meeting adjourned at 6:10 p.m. The next meeting is scheduled for Tuesday, March 13, 2001.