

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Representative Joann Freeborn at 3:30 p.m. on February 11, 2003 in Room 231-N of the Capitol.

All members were present except: Representative John Faber - excused  
Representative James Miller - excused

Committee staff present: Raney Gilliland, Legislative Research  
Mary Torrence, Revisor of Statutes  
Mary Ann Graham, Secretary

Conferees appearing before the committee: Gary Blackburn, Director, Bureau of Environmental Remediation, KS Department of Health and Environment, 1000 SW Jackson, Ste 410, Topeka, KS 66612-1368  
Theresa Hodges, Director, Bureau of Environmental Field Services, KS Department of Health and Environment, 1000 SW Jackson, Ste 430, Topeka, KS 66612-1368  
Bill Bider, Director, Bureau of Waste Management, KS Department of Health and Environment, 1000 SW Jackson, Ste 320, Topeka, KS 66612-1368

Others attending: See attached sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that there will be two bill hearings in today's meeting but she does not plan to have final action on them today, possibly on Thursday, February 13. Also, Thursday, a hearing will be held on **HB2197**, Assistance animals for handicapped and disabled persons.

The Chairperson welcomed Gary Blackburn, Director, Bureau of Environmental Remediation, KDHE, to the committee. He gave a report on the underground and above ground storage tank programs. Federal regulations developed by the Environmental Protection Agency became effective on December 22, 1988. The requirements were designed to be phased in over a ten year period. During the early phases of the program, owners were required to register their USTs, provide leak detection and maintain financial assurance for releases. The later phase of the program required all USTs remaining in service to be protected against corrosion, spills and overfills by December 22, 1998. The Kansas Storage Tank Act was passed by the Kansas Legislature in 1989 to provide KDHE with statutory authority to develop regulations to implement a program to satisfy the EPA mandate. The overall goal of this program is to protect the health, safety and groundwater quality of Kansas from contamination by petroleum products that may leak from USTs. (See attachment 1) A Kansas Storage Tank Program Overview of Underground Storage Tank Requirements was provided. (See attachment 2) Committee questions and discussion followed.

Tom Winn, Section Chief, Storage Tank Section, Bureau of Environmental Remediation, KDHE, was in

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attendance to answer committee questions.

The Chairperson thanked Gary Blackburn for his presentation. She opened the hearing on **HB2219**.

**HB2219: Repeal of requirement that Secretary of Health and Environment publish all department policies, guidelines and standards.**

Raney Gilliland, Legislative Research Department, reviewed Kansas Statute 75-5662, regarding publication of certain documents required. (See attachment 3)

The Chairperson welcomed Theresa Hodges, Director, Bureau of Environmental Field Services, KDHE, to the committee. She testified in support of the bill. KSA 75-5662 was enacted by the 1996 legislature with support by the League of Municipalities and environmental organizations. It required the Division of Environment to publish all policies and guidelines by January 1, 1997 and to publish annual updates thereafter. The Division of Environment has complied with this statute. Approximately 480 man hours were expended in compilation and review of policies for inclusion in the first document (3,351 pages). The updates require about 160 man hours each year. The Department does not believe this statute is needed and the few number of requests for the document further indicates little interest in this publication. (See attachment 4) Committee questions and discussion followed.

The Chairperson recognized Rep. Tom Sloan. He questioned the idea of not having information available for constituents, even though the Department feels there is little public interest. He believes if this statute is repealed the legislature will be back in another five years to reinstate the statute.

Chairperson Freeborn suggested that the Department put together language for a substitute bill.

Chairperson Freeborn closed the hearing on **HB2219** and opened the hearing on **HB2223**.

**HB2223: Solid waste terminology; conformity to federal law.**

The Chairperson welcomed Bill Bider, Director, Bureau of Waste Management, KDHE, to the committee. He testified in support of the bill. This bill was introduced by the department to eliminate the inconsistent use of terminology in current state solid waste law and state and federal regulations. The statutory definition for "industrial waste" found in KSA 65-3402 uses the term "waste oil;" however, several years ago the US Environmental Protection Agency phased out the use of this term, instead preferring "used oil." KDHE has adopted the federal "used oil" regulations found in 40 CFR Part 279 by reference. State "used oil" regulations can be found in KAR 28-31-16. (See attachment 5) Questions and discussion followed.

The Chairperson closed the hearing on **HB2223**.

The meeting adjourned at 4:35 p.m. The next meeting is scheduled for Thursday, February 13, 2003.

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