

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Robert Tyson at 8:34 a.m. on January 30, 2004 in Room 423-S of the Capitol.

Members present:

Senator Christine Downey
Senator Dwayne Umbarger
Senator Janis Lee
Senator Mark Taddiken
Senator Phil Journey
Senator Robert Tyson

Committee staff present:

Raney Gilliland, Legislative Research Department
Lisa Montgomery, Office of Revisor of Statutes
Linda Bradley, Committee Secretary

Conferees appearing before the committee:

Gary Blackburn, Director Bureau of Environmental Remediation
William Bider, Director Bureau of Waste Management
Bob Jenkins, KCC

Others attending:

See Attached List.

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Bill Introductions

Chairman Tyson requested a bill to prohibit cities and counties from using eminent domain for acquiring private property to used for economic development. Senator Umbarger made a motion to introduce the bill, Senator Downey seconded the motion and the motion carried.

Overview - KDHE

Chairman Tyson introduced Gary Blackburn, Director Bureau of Environmental Remediation at KDHE. Director Blackburn reported KDHE uses a ranking program to prioritize the sites in the program. The ranking program takes into account contamination concentration, plume size, proximity to receptors (public drinking water wells, streams, etc.) and other factors. The program then scores the threat to human health and the environment. (Attachment 1)

Director Blackburn reported on the Underground Storage Tank program, (UST). The volume of applications for assistance has, as expected, declined slowly since all active underground storage tanks (USTs) were required to be upgraded during fiscal year 1999. The current new application rate has leveled out and is expected to remain steady for the foreseeable future. Although upgraded tanks can still leak, the frequency and size of those releases should be decreasing. Current applications are primarily associated with property transfers and re-development activities following the discovery of orphaned tanks. The program estimates that several thousand of these tanks exist in the state. The department continues to use a site's risk to the public as the main criteria for focusing remedial efforts. (Attachment 2)

Director Blackburn reported on the Aboveground Storage Tank program, (AST). The (AST) Fund remained low during FY 2003. No federal mandate is in place to encourage owners at AST's to upgrade their facilities and perform routine testing. The department continues to use a site's risk to the public as the main criteria for focusing remedial efforts. (Attachment 3)

Director Blackburn reported on the Voluntary Cleanup program. The department has received a total of 311 completed application packages of which 300 properties have been determined eligible to participate

CONTINUATION SHEET

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in the program. A total of 298 voluntary agreements have been signed. Voluntary Cleanup Investigations have been initiated and/ or completed at 271 properties. Currently, 104 properties have entered the cleanup phase in either the preliminary cleanup proposal process, cleanup planning stage, or in the active cleanup phase; cleanups have been completed at 21 properties. (Attachment 4)

Chairman Tyson asked the Committee if there were questions. Senators Lee, Journey and Tyson had various questions concerning timing and collecting of fees, projections, clean up and insurance cost.

Chairman Tyson introduced William Bider, Director Bureau of Waste Management. Director Bider gave a review of the annual report to the Legislature summarizing "all expenditures from the solid waste management fund, fund revenues, and recommendations regarding the adequacy of the fund to support necessary solid waste management programs." Director Bider provided the Committee with a booklet containing the Kansas Solid Waste Program. A copy of this booklet has been filed in Senator Tyson's office.

The Chairman then asked the Committee if there were questions. Senators Lee, Taddiken, Umbarger and Downey asked a range of questions including money from tipping fees for solid waste, waste sites, burning wood pallets and planning for diseased animal emergency burial sites.

A Presentation from KCC

Chairman Tyson introduced Bob Jenkins of the KCC. Mr. Jenkins gave a slide presentation of Plugging abandoned oil wells and remediation. The purpose of the fund is to provide additional funding to the Kansas Corporation Commission, Conservation Division with which to address the problem of both abandoned oil and gas wells and exploration and production related contamination sites. (Attachment 5)

Chairman Tyson asked the Committee if there were questions. Senators Taddiken, Lee, Tyson and Umbarger has various questions concerning a child being entrapped in abandoned oil wells, responsibility of producers operators and land owners.

Chairman Tyson thanked the presenters of today's meeting. He commented that it was a very informative meeting.

The meeting adjourned at 9:44 a.m.

The next scheduled meeting will be Thursday, February 5, 2004.