

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on Thursday, March 1, 2007, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department

Art Griggs, Revisor of Statutes Office

Judy Holliday, Committee Assistant

Conferees appearing before the committee:

Gary Blackburn, Director, Bureau of Environmental Remediation, Kansas Department of Health and Environment

Representative Doug Gatewood

Ella Johnston, Resident of Treece, Kansas

Senator Dwayne Umbarger

Others attending:

See attached list.

Chairman McGinn called the Committee's attention to the minutes of January 18 and 19, and February 16 and 20. She asked that they look them over for approval at the end of the meeting.

The hearing was opened on **HB 2168, Relocation and other assistance for people in communities within a superfund site where substantial infrastructure has been lost**. Chairman McGinn asked Raney Gilliland, Legislative Research Department, to explain the bill's intent. Mr. Gilliland told the Committee that the bill would create a state public trust for what is defined as affected communities specifically located in Cherokee County and within the boundaries of a federal Superfund site. The trust would administer relocation assistance, including moving expenses, and acquire, hold and dispose of property located within those boundaries of the affected community. There would be five trustees of the trust appointed by the Governor serving for four-year terms, subject to Senate confirmation, and the trustees would be real estate and banking officials in the area familiar with the property values. The bill would allow the Department of Health and Environment to make grants to the trust to provide resources for the relocation expenses incurred by individuals in the affected communities. The bill also would provide that school districts impacted by the relocation could receive grants from the trust. Mr. Gilliland was asked if the bill appropriates money, and he replied that the bill itself does not, but there is money in the Governor's Budget from the State General Fund that can be used to match federal money to fund moving expenses for affected individuals. He noted that no federal money is allocated to Kansas for these expenses, but Oklahoma has received federal funds to assist communities affected in that state.

Gary Blackburn, Director, Bureau of Environmental Remediation, Kansas Department of Health and Environment, testified in support of **HB 2168 (Attachment 1)**. Mr. Blackburn explained the intent of the bill was to provide a statutory mechanism for the buyout of the City of Treece in Cherokee County, necessitated by the contamination of the area from lead and zinc mining waste. The City of Treece is just over the state line from Picher, Oklahoma, and the mining waste and possibility of subsidence are the same for both cities.

Mr. Blackburn told the Committee that the buyout can only be successful if federal funding is obtained. He explained that the remediation of the Superfund site will take approximately 10-15 years and the removal of the residents from the area will eliminate the risk of injury due to potential subsidence in the area. Finally, Mr. Blackburn told the Committee that the trust will hold the property until the cleanup is completed and a use for the property can be determined. Mr. Blackburn told the Committee that the chat piles could be hauled off and used to fill in sink holes and in asphalt for road projects.

Representative Doug Gatewood testified before the Committee in support of **HB 2168 (Attachment 2)**. Rep. Gatewood told the Committee that the contamination of the area with lead and silica from 100 years of mining poses real health risks for the residents. He explained that the relocation is a voluntary program for the residents. Rep. Gatewood noted that the mine shafts, some 300-500 ft. deep, were unstable due to the removal of the support columns, and that a number of homes and streets were in danger of cave-ins. He urged

CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on in Room 423-S of the Capitol.

the Committee to pass **HB 2168**.

Ella Johnston, a resident of Treece, Kansas, testified in support of **HB 2168** (Attachment 3). Mrs. Johnston passed pictures to the Committee that she had taken of cave-ins and the huge piles of chat in the area. She expressed concern for the health of the young children who play and swim in low areas with standing water discolored with the heavy metals. She stated that nothing had been done about contamination in the area and asked the Committee to pass **HB 2168**.

Senator Dwayne Umbarger commented that the Superfund site had been around since the 1980s and Picher, OK, and Treece, KS, were among the last ones for remediation. Senator Umbarger told the Committee that the average house in the affected area is worth about \$10,000, and that there are significant economic development changes needed in that area. He told the Committee that if any money could be leveraged for cleanup, it should be done now, and urged passage of the bill.

Senator Marci Francisco expressed appreciation for the opportunity to go on the Kansas Geological Survey Tour last summer and that it was helpful in knowing the extent of the damage to the area.

Chairman McGinn told the Committee that the bill passed the House unanimously and also on the floor, and that they would work the bill. The hearing on **HB 2168** was closed. Senator Ostmeyer made a motion to move **HB 2168** out of Committee, seconded by Senator Francisco. The motion carried.

There was discussion on **SB 15, Establishing the Kansas dam rehabilitation program to provide cost-share assistance to rehabilitate certain deficient dams**. Chairman McGinn called upon Art Griggs, Revisor of Statutes Office, to give an overview of the dam rehabilitation bill amendments. Mr. Griggs told the Committee that there are a number of political subdivisions on the list, but not government entities. Chairman McGinn asked Senator Huelskamp if his amendments would change the bill, and he stated that he has more questions on the hazardous dams. Chairman McGinn told the Committee she will ask the Senate President for the bill to be re-referred to the Committee for more work.

Chairman McGinn asked if the Committee was ready to approve the minutes brought before the Committee at the beginning of the meeting. Senator Taddiken asked for a correction of the February 16 Committee meeting minutes, and made a motion that the minutes be passed as amended, seconded by Senator Ostmeyer. The motion carried.

Chairman McGinn announced that there would not be a meeting of the Natural Resources Committee on Friday, March 2, but the Subcommittee on CREP will meet after the prayer breakfast and upon adjournment of the Senate.

The meeting adjourned at 9:25 a.m.