

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:00 a.m. on March 8, 2000 in 245-N of the Capitol.

All members were present except: Senator Pugh who was excused.

Committee staff present:

Raney Gilliland, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Jamie Clover Adams, Secretary, Dept of Agriculture  
Karl Mueldener, Kansas Department Health and Environment, (KDHE)  
Charles Benjamin, Kansas Natural Resources Council  
Karol Schlicher, Commission Church & Society, Kansas West Conference of United Methodist Church  
Randy Scholfield, Kansans for Clear Water  
Larry Ross, Wichita, KS  
Tom Kneil, Sierra Club, Wichita, KS  
Jolene Grabill, Regional Economic Area Partnership (REAP)  
Bill Fuller, Kansas Farm Bureau  
Mike Taylor, City of Wichita  
Kim Gulley, League of Kansas Municipalities  
Mike Jensen, Kansas Pork Producers  
Karen France, Kansas Association of Realtors

Others attending:

See attached list.

The hearing was opened on **SB 636**—concerning the equus beds; prohibiting issuance of certain permits for confined feeding facilities for swine, water supply systems, waste water treatment facilities and public water supply systems. A fiscal note was distributed indicating that any fiscal effect resulting from the passage of the bill would be negligible.

Jamie Clover Adams, Secretary of Agriculture, reported this legislation is an attempt to address concerns they have heard coming from both citizens and elected officials in south central Kansas and the agricultural community. Many of the other bills that focused solely on agriculture do not address the concerns raised by these concerned citizens, and **SB 636** addresses all potential sources of pollution instead of singling out just one industry ([Attachment 1](#)).

Karl Mueldener, KDHE, testified in support of the bill and suggested an amendment to remove water supply systems from the moratorium. KDHE does not consider water supplies a significant pollution threat to groundwater ([Attachment 2](#)).

Charles M. Benjamin, Kansas Natural Resource Council, testimony stated they support the bill. However they think it is too inclusive and water supply sources should be deleted, the definition of swine waste management and pollution control systems needs to be looked at, and he recommended that equus beds region be amended to Groundwater Management District No. 2. Attached to his testimony is a marked up copy of **SB 636** showing his proposed amendments ([Attachment 3](#)).

Karol Schlicher, Kansas West Conference, United Methodist Church, supported the bill with appropriate amendments. The suggested amendments were:

- Close the loophole that applies only to a facility or lagoon that discharges sewage either directly or indirectly and thus excludes hog waste lagoons.

- Cover only Groundwater Management District No.2, which includes the Equus Beds aquifer.
- Remove language concerning water supplies.

She further stated, the year long moratorium protects the groundwater as requested by citizens and community leaders. It allows time for the KSU research to be evaluated and for the 2001 legislature to base requirements for hog waste lagoons on scientific evidence ([Attachment 4](#)).

Randy Scholfield, Kansans for Clean Water, suggested several amendments that they thought were necessary and if these amendments were adopted he would support the bill. He emphasized the need to protect the Groundwater Management District #2 from the threat posed by hog lagoon sewage ([Attachment 5](#)).

Larry Ross said if the legislature doesn't fix the language so that the moratorium clearly applies to hog-waste lagoons, the bill would serve no purpose. He handed out a copy of an editorial published in [The Wichita Eagle](#) on Saturday, March 4, 2000 titled "[A Lagoon Loophole?](#)" The handout will be on file in Legislative Research.

Thomas R. Kneel, Kansas Chapter of the Sierra Club, said he lived in Wichita and drinks water that comes from the Equus Beds through the Wichita water supply system, so his personal concern was protecting that supply from pollution. He thought the bill was flawed, and it needed to be amended to protect the Equus Beds and Wichita's water supply and in his testimony on page 2 he outlines amendments that he believes were necessary to provide that protection ([Attachment 6](#)).

Jolene Grabill, Regional Economic Area Partnership (REAP), supported the bill. She said REAP's number one priority is to, "Guarantee that there is absolutely no threat to the region's public water supply." She suggested substitute language for lines 30 through 36 clarifying the Secretary of Health and Environments's authority to protect the groundwater supply from both imminent and potential threats of pollution ([Attachment 7](#)). She also, submitted written testimony opposing the bill from another of her clients the Wichita area Girl Scouts ([Attachment 16](#)).

Bill Fuller, Kansas Farm Bureau, opposed a moratorium on any agricultural operation. However he thought if there is a moratorium on issuing permits for pork production facilities then **SB 636** probably is more fair and more appropriate measure since then other bills that have been introduced because it treats all entities the same ([Attachment 8](#)).

Mike Taylor, City of Wichita, opposed the bill. He said the city of Wichita accepts its duty and obligation to preserve and protect their natural resources, and protection of the Equus Beds Groundwater Aquifer is crucial for their future. They are working with representatives of the pork producer's council and livestock association to find a common sense solution to provide that protection. He did not think **SB 636** was the answer ([Attachment 9](#)).

Kim Gulley, League of Kansas Municipalities, opposed the bill, as they believe the provisions were premature and too broad. Their testimony contains three primary objections to the legislation ([Attachment 10](#)).

Mike Jensen, Kansas Pork Producers, said their organization was neutral on the proposed legislation. They have in the past and are willing to continue to work with all the others involved to protect the equus beds and the waters of the state ([Attachment 11](#)).

Karen France, Kansas Association of Realtors, opposed the bill, as the legislation presumes that septic and lagoon systems for homes are guilty of polluting the equus beds, without any evidence having been presented that this is the case ([Attachment 12](#)). Responding to a question Ms. France said that if the legislation were passed it would shut down and new construction in that area.

Written testimony from the following persons opposing **SB 636** was received and distributed: Janet Stubbs, Executive Director, The Kansas Building Industry Association, ([Attachment 13](#)), Art Brown, Mid-America Lumbermen's Association ([Attachment 14](#)), Ron Gaches, Executive Vice President, Kansas Society of Professional Engineers ([Attachment 15](#)), and as stated above Jolene Grabill, Legislative Monitor for Wichita Area Girl Scout Council ([Attachment 16](#)).

The committee time expired. Chairperson Corbin said the hearing would be continued on Wednesday,

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

March 15, 2000 and at that time two other bills concerning potential pollution will be scheduled. The meeting adjourned at 9:00 a.m. The next scheduled meeting will be March 9, 2000.