



INDEPENDENT ENERGY & CONVENIENCE

My name is Brian Posler, and I represent Fuel True Independent Energy and Convenience. We are the nonprofit statewide trade association representing the independent Kansas Energy distribution companies and over 2000 fuel retailers throughout Kansas.

Mr. Chairman and committee members, thank you for the opportunity to provide testimony supporting **SB 336**.

This bill will strike the word “annual” from state law, allowing the Kansas Department of Health and Environment to rewrite its rules, thus allowing for a desirable multi-year permitting process for underground storage tanks.

Successful passage of this bill will solve significant challenges for our industry. Currently, the annual permitting process at KDHE has become unnecessarily burdensome. Every single tank, regardless of age or safety measures in place, must be permitted every single year. KDHE has struggled with insufficient staffing and resources, and for the past two years, it had to extend the permits for all tank owners because of the resulting backlog. Any delay in permitting causes great harm to retailers, as they cannot receive fuel without a current permit. The current process is also incredibly inefficient for KDHE, stealing valuable staff time from the more pressing compliance issues, which could benefit from more resources devoted.

Our friends at KDHE agree with us that they can design a successful multi-year permitting process that will improve outcomes for all tank owners without sacrificing safety or environmental standards. This bill will not change our efforts to place safety and full federal and state compliance at the forefront for all tanks. All vitally essential inspections and tank monitoring will continue unabated but with less bureaucratic red tape on annual permits. This bill is revenue-neutral and allows KDHE to focus more energy each year on its crucially important compliance work rather than focusing so much effort on annual permits.

It is too rare in state government for the regulators and the regulated industry to be in such unanimous agreement about a regulatory change, but KDHE has been a wonderful partner to our industry in these discussions, as we strive to find better solutions for our state.

For those reasons, I ask that you pass this bill without delay and further urge you to consider placing this vital reform on the consent calendar for immediate passage. Let’s get this done so that KDHE is empowered to improve the permitting process in ways that both it and my industry seek.

Brian D Posler, Executive Director
Fuel True Independent Energy and Convenience