

Testimony on SB 336

Senate Agriculture and Natural Resources Committee

**Kate Gleeson, Acting Bureau Chief
Bureau of Environmental Remediation
Kansas Department of Health and Environment**

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Chair Peck and members of the Committee, thank you for the opportunity to provide testimony on behalf of the Kansas Department of Health and Environment in support of SB 336 related to the revisions of the Kansas Storage Tank Act (KSA 65-34,100 *et seq.*). The KDHE Bureau of Environmental Remediation is responsible for protecting human health and the environment from releases of hazardous substances, petroleum products and other pollutants. The bureau manages several remediation programs with the goal of cleaning up contamination to reduce or eliminate the risk to human health and the environment, as well as return impacted properties to productive use.

The purpose of the statute revision to K.S.A. 65-34,135 is to remove the word “annual” from a description of the operating permit cycle. The goal as proposed is to provide for more flexibility in operating permit frequency. There are no other references to Underground Storage Tank (UST) permitting duration/frequency within the Kansas Storage Tanks Act.

USTs containing refined petroleum products are required to be permitted annually by the tank owner or operator. The UST operating permit renewal documents and fees must currently be submitted to KDHE at specific times of the calendar year, between January 1st and April 30th for review and approval. Most of the regulated community waits until April to submit permit renewal documents and fees. The existing permit cycle begins in August and there are more than 2,080 active UST facilities with more than 5,500 individual tanks. Each year, there is an urgency to process, in a short amount of time, all the permit documents and check for facility compliance issues before approving and issuing a permit. In addition, there were new UST system testing requirements for storage tank owners to submit (per K.A.R. 28-44 effective in 2020), which affect facility record review and processing time.

If the change to the statute is successful, KDHE will be able to undertake amendments to existing storage tanks regulations to replace this prescriptive schedule. A reconfiguration in frequency and timing would alleviate the pinch points and allow more thorough review and enhanced compliance efforts.

In summary, the change in permit frequency is beneficial for the regulated community, and KDHE believes it to be equally protective of human health and the environment. Thank you for the opportunity to share the importance of this bill. I welcome any questions.