



## Testimony on Local Environmental Protection Program

to

the Joint Committee on Energy and Environmental Policy

Presented by Aaron Dunkel

Deputy Secretary, Kansas Department of Health and Environment

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Chairman Knox, and members of the Committee, good afternoon and thank you for giving me the opportunity to appear before you today. Today I am here to provide testimony related to the Local Environmental Protection Program (LEPP). It is my intent to give a brief history of the program and information regarding the transition plan that has been communicated to our local partners as a result of funding for LEPP being discontinued.

### Program Description

Legislation establishing the Local Environmental Protection Program (LEPP) was adopted in 1989 and the first grants were awarded in 1990. The program was established to fulfill the "Environmental Protection Strategy" component of the Kansas Water Plan, with the vision of developing and implementing programs that would protect water quality at the local level. Under the LEPP, an environmental protection plan was developed by each participating county that identified each agency's role and responsibility in water quality protection. At the core of each plan was the adoption and enforcement of county environmental codes which emphasized on-site wastewater systems and private wells. The environmental protection plans were also designed to identify broader responsibilities including: the management of county-wide water and wastewater, subdivision water and wastewater, nonpoint source pollution, sanitary landfill planning, and public water supply environmental protection.

From 1990 through State Fiscal Year (SFY) 2012, a total of approximately \$34 million in grant funds were provided to 49 agencies representing 104 counties. In addition to this grant funding, local agencies provided approximately \$31.5 million in matching funds to implement these programs. Approximately 80% of the grant funding provided was used for personnel and related expenses.

### Program Goals

Program goals were derived from the LEPP regulations, K.A.R. 28-66-1 and are summarized below:

1. Implement Local Environmental Protection Plans.

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2. Establish and maintain a Local Environmental Protection Committee.
3. Develop, implement and enforce an environmental code for onsite wastewater treatment.
4. Develop, implement and enforce code for private drinking water wells and supplies.
5. Provide local environmental information, education, and technical assistance.
6. Participate in local subdivision water and wastewater programs.
7. Promote proper solid and hazardous waste management.
8. Participate in local nonpoint source pollution control programs, including WRAPS.
9. Promote public and private water supply protection.
10. Participate in the establishment and implementation of Total Maximum Daily Loads (TMDLs).
11. Where TMDLs have been established, address the impairments.

#### **Transition Planning**

A transition plan was drafted in January 2012 in anticipation of the loss of LEPP funding. An effort was made to make the plan available for review and to solicit comments from key stakeholders. As soon as KDHE knew that LEPP funding was not going to be available in FY 2013, the transition plan was finalized and copies were mailed to county sanitarians, county LEPP grant signatories, county commissioners, and conservation districts.

The plan comments on the benefits gained by counties that have adopted and implemented sanitary codes. Benefits discussed include protection of surface and groundwater resources from the enforcement of minimum standards for on-site wastewater systems, the general benefits of correctly siting and constructing private water wells, the benefit of protecting property values through local codes and minimum construction standards for on-site wastewater systems, and the agency's continued dedication to local access to technical assistance on information about on-site wastewater systems and private wells.

In the transition plan and in conversations with local stakeholders KDHE has encouraged counties to maintain the programs that they have built through the continued investment of local resources and service fees. These programs have done very well at training knowledgeable and capable county personnel that can move the programs forward. In addition, KDHE intends to continue to offer technical support and assistance to counties regarding on-site wastewater and private well issues.

Thank you for the opportunity to speak with you today. I would be glad to stand for any questions the Committee might have.

Aaron Dunkel

Deputy Secretary, Kansas Department of Health and Environment