

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 2, 2007, in Room 423-S of the Capitol.

All members were present with the exception of Senator Wysong who was excused.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Emalene Correll, Kansas Legislative Research Department  
Art Griggs, Revisor of Statutes Office  
Judy Holliday, Committee Assistant

Conferees appearing before the committee:

Representative Bob Grant  
Tom Palace, Executive Director of the Petroleum Marketers and Convenience Store Association of Kansas  
Gary Blackburn, Director, Bureau of Environmental Remediation, Kansas Department of Health and Environment

Others attending:

See attached list.

Chairman McGinn asked the Committee members if there was an interest in having a landfill bus tour. She was thinking of setting it for February 15 at 7:30 a.m, and asked them to think about it and they would discuss it at the end of the meeting.

Representative Bob Grant briefly testified on **HB 2002, Concerning the membership of the Kansas wildlife and parks commission** (Attachment 1). The bill requires that Wildlife and Parks Commission appointments by the Governor should be one representative from each Wildlife and Parks Commission District and the two at-large positions could be from any one of the five districts. Senator Ostmeyer made a motion to move the bill out of Committee, seconded by Senator Francisco. The motion carried.

Chairman McGinn called on Raney Gilliland, Kansas Legislative Research Department, to explain **SB 190, Training for operators of underground storage tanks, funding**. Mr. Gilliland told the Committee that the new language in **SB 190** amends the Kansas Storage Tank Act and deals with the training program for persons with onsite responsibility for maintenance and for the persons responsible for cleanup of spills. The bill deals with compliance with new federal requirements and EPA oversight of the Kansas Storage Tank Program. There is a requirement for evidence of assurance for contractor license or renewal. The bill applies to both above and below ground tanks.

Gary Blackburn, Director, Bureau of Environmental Remediation, Kansas Department of Health, testified in support of **SB 190** (Attachment 2). Mr. Blackburn explained the purpose of the amendments was to help Kansas run a more effective Underground Storage Tank (UST) program and bring tank owners into compliance. The training program will help tank owners and employees learn program requirements and reduce severity of petroleum releases through early detection. The amendments to the federal act place new conditions on the Kansas UST program for more frequent inspections, public reporting, and greater responsibility for licensed installers. KDHE will contract for the services of private trainers. Operators of USTs will need to document completion of training before they can obtain tank permits.

Thomas Palace, Executive Director of the Petroleum Marketers and Convenience Store Association of Kansas, testified as a proponent of **SB 190** (Attachment 3). Mr. Palace testified that the bill allows underground tank owners to meet federal requirements in four areas: training, financial responsibility, funding for enforcement (inspections), and extension of compliance dates to coincide with federally-adopted dates. The bill addresses funding of federal programs and under established, successful Kansas programs. Mr. Palace told the Committee the bill goes a long way toward keeping the environment clean.

Copies of written testimony in support of **SB 190** from Kansas Agribusiness Retailers Association (Attachment 4) and Kansas Cooperative Council (Attachment 5) were distributed to Committee members.

Chairman McGinn opened the hearing on **SB 15, Establishing the Kansas dam rehabilitation program to provide cost-share assistance to rehabilitate certain deficient dams**. She asked Raney Gilliland, Kansas Legislative Research Department, to explain the bill and the proposed revisions (Attachment 6).

There was discussion by Committee members on the bill. There was a motion by Senator Taddiken for technical cleanup on the bill language, seconded by Senator Francisco. The motion carried.

Chairman McGinn asked Committee members to look over the bill since this was the first time they had seen the amendment, and it would be taken up again next week.

Senator Francisco advised the Committee that she had proposed a balloon amendment to **SB 15** and asked how best to proceed, since Senator Taddiken's amendment would change the balloon. Senator Taddiken asked that his motion be withdrawn since the bill would be held over. Senator McGinn suggested that the Committee move the concepts forward and have the Revisors do a balloon and bring back to the Committee.

Senators Huelskamp and Pyle requested copies of the list of the 21 "top priority" dams and owners from KDHE for the Committee's information.

Chairman McGinn called the Committee's attention to **SB 146, Solid waste, waste tire management fund**. Senator Taddiken proposed an amendment to the bill (Attachment 7) to ensure that money is well-spent for recycling projects; change the percentage local units of government would need to pay to purchase playground cover; remove the words "to install" and replace with "or other tire derived"; and change the definition of "tire derived product."

Chairman McGinn told the Committee that there was an amnesty program wherein communities could apply to KDHE for cleanup of waste tires. Landowners often have to clean up tires that have been dumped on private land. Chairman McGinn asked the Committee if there was interest in discussing this issue and working on language. She asked Bill Bider of KDHE about the cost associated with a tire cleanup, and he responded that it was done 5-8 years ago at a cost of about \$1million statewide. Senator Taddiken made a motion to accept the amendment, seconded by Senator Huelskamp. The motion carried.

The meeting adjourned at 9:30 a.m.

The next meeting will be held Thursday, February 8.