

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on January 22, 2009, in Room 446-N of the Capitol.

All members were present except:

Senator Steve Morris- excused

Committee staff present:

Alissa Vogel, Administrative/Committee Assistant
Corey Carnahan, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes Office

Conferees appearing before the committee:

Terry Holdren, Kansas Farm Bureau
Rick Brunetti, Director of the Bureau of Air and Radiation, Kansas Department of Health and Environment
Miles Stotts, Environmental Scientist, Monitoring and Planning Section of the Bureau of Air and Radiation, Kansas Department of Health and Environment
Tracy Streeter, Director, Kansas Water Office; Chairman, GIS Policy Board
Ivan Weichert, GIS Director, Kansas Information Technology Office
Ken Nelson, Manager, Kansas Data Access and Support Center, Kansas Geological Survey

Others attending:

See attached list.

Terry Holdren, Kansas Farm Bureau, requested a bill introduction that would establish the Surface Owners Notice Act. The bill would require a minimum of 5-days notice to the surface owner prior to a major oil and gas operation on the surface real estate and includes a provision for a waiver. A motion was made by Senator Bruce to introduce the bill. Senator Taddiken seconded the motion, and the motion carried.

At the request of the Committee, Rick Brunetti, Director of the Bureau on Air and Radiation, provided a report on air regulations the Bureau presently has in progress. (Attachment 1) He introduced Miles Stotts, Environmental Scientist for the Monitoring and Planning Section of the Bureau of Air and Radiation, who oversees the updating of air regulations. Mr. Stotts presented a summary of the report and addressed questions Committee members had regarding the content of the report.

A majority of air regulations in progress are updates or implementations of federal requirements and regulations. They include regulations relating to: Kansas City ozone, updates to federal requirements, permitting (construction and operating), transportation conformity and acid rain.

The Bureau on Air and Radiation has submitted a maintenance plan in order to maintain the air quality at acceptable levels in the Kansas City area. The regulations target nitrogen oxide reductions in two main areas including: point sources with greater than 100 tons emissions per meter and mobile sources, specifically idling reductions of large, heavy duty diesel engines.

They have adopted many regulations, by reference, in order to maintain the integrity of the state program against the federal program. The Bureau of Air and Radiation has modified the definition of Commercial Chemical Plant that will increase the level of emissions from ethanol plants from 100 to 250 tons per year as a threshold for a Federal Prevention and Significant Deterioration (PSD) permit. In terms of operating a state air quality program, the Bureau is required to adopt, by reference, EPA revisions of regulations including: New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants and Maximum Achievable Control Technology (MACT) standards from July 1, 2005, through June 30, 2008.

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The Bureau of Air and Radiation is working to implement streamlining for routine permitting activity to point resources to match emissions. The proposed permitting rule package includes: updating definitions and lists to be consistent with federal requirements, streamlining public notice requirements for nonmajor sources, clarifying notice requirements for major sources and streamlining both construction and operating (major and nonmajor) permit and approval processes.

In terms of transportation regulations, updates are needed to ensure that state requirements match federal requirements, ensuring availability of federal transportation funds, particularly in the Kansas City metropolitan area.

Acid rain regulations are largely administered by the EPA. The Bureau of Air and Radiation updates and adopts federal acid rain permitting requirements and is responsible for oversight of state agencies' compliance with federal regulations.

Mr. Stotts stood for questions. A request was made for a report on regulations included in the Sheltered Boiler Initiative; a voluntary inventory in which all major operating sources emitting over 25,000 tons submitted estimates of greenhouse gas emissions.

Tracy Streeter, Director of the Kansas Water Office and Chairman of the GIS Policy Board, provided an overview of the State of Kansas Geographic Information Systems (GIS) Initiative. (Attachment 2) The GIS Policy Board, established in 1989, has led the initiative in creating a network for agencies to consolidate and coordinate GIS practices at the state and federal level. The policy board establishes standards for GIS technology in an effort to save resources and reduce costs that would be involved if each agency developed its own technology independently.

The GIS Policy Board is comprised of members from both the state and federal government, city officials, universities, tribal institutions and private industry.

Mr. Streeter introduced Ivan Weichert, GIS Director of the Kansas Information Technology Office and Ken Nelson, manager of the Kansas Data Access and Support Center, who explained the GIS Policy Board's strategic planning recommendations. Mr. Weichert explained their strategy was to communicate with local governments and state agencies the most important issues facing the state of Kansas regarding GIS technology, emphasizing the need for local, rather than federal data. Local imagery is capable using Light Detection and Ranging Imagery (LIDAR). The LIDAR technology was developed to increase accuracy of imagery capturing the earth's surface. The objective is for local agencies to collaborate in data acquisition, rather than opting for a more costly statewide imagery project.

The GIS Policy Board is currently applying for funding from the United States Geological Survey (USGS) to improve accuracy of image acquisitions by increasing the number of control points located in Kansas. The control points act as reference points that send and receive signals from satellites in order to determine the height, latitude and longitude of a location on the earth's surface.

Ken Nelson, manager of the Data Access and Support Center (DASC) at the Kansas Geological Survey, explained to Committee members the importance of DASC as a centralized data access and support center. Services include: archival and distribution of data, quality assurance and control, web applications, technical assistance and collaboration with local governments. Data available at DASC relates to the following: administrative and political boundaries, elevation, environmental resources, geodetic control, imagery/raster, land surface/geology/soils, transportation and water resources. This service is free and open to the public.

Mr. Nelson highlighted agencies currently utilizing GIS technology including: Kansas Bureau of Investigation (KBI) and their use of a web-based mapping application to determine location of registered offenders, Kansas Department of Health and Environment (KDHE) and their mapping system for environmental review audits and Kansas Biological Survey (KBS) in their creation of flood models that can predict flood zones and flood damage assessments using LIDAR terrain models.

Mr. Nelson stood for questions.

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A motion was made by Senator Bruce to approve the minutes from January 16, 2009. Senator Lee seconded the motion, and the motion carried.

The next meeting is scheduled for January 29, 2009.

The meeting was adjourned at 9:30 a.m.