

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on January 25, 2001 in Room 231-N of the Capitol.

All members were present except:     Rep. Ted Powers - excused  
  Rep. Tom Sloan - excused

Committee staff present:           Raney Gilliland, Kansas Legislative Research Department  
  Mary Ann Graham, Committee Secretary

Conferees appearing before the committee:     Rick Bean, Chief of Remedial Section, Bureau of Environmental Remediation, KDHE, Forbes 740, Topeka, KS 66620-0001  
  Mary Jane Stattelmann, Administrator for Kansas Agricultural Remediation Board, 816 SW Tyler, Topeka, KS 66612  
  Tracy Streeter, Exec. Director, Conservation Commission, Mills Bldg. 109 SW 9<sup>th</sup>, Ste. 500, Topeka, KS 66612-1299  
  Bill Fuller, Kansas Farm Bureau, 2627 KFB Plaza, Manhattan, KS 66505-8508

Others attending:            See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that bill introductions would be first on the agenda today.

Ken Corbet, Ravenwood Lodge, Topeka, Kansas, requested a bill to eliminate the need for hunting licenses on licensed controlled shooting areas in Kansas. (See attachment 1)

Rep. Dan Johnson made a motion the bill requested by Ken Corbet be introduced. Rep. Ray Merrick seconded the motion. Motion carried.

Tom Day, Kansas Corporation Commission, requested two bills. (1) Amend KSA 55-178 and 55-179 (Broaden responsibilities for abandoned wells or pollution from well by including abandoned exploration and production facilities.) (2) Amend KSA 55-155, 55-161, 55-179, 55-180 (Clarify of legislative intent for monies deposited in the Conservation Fee Fund which are derived from financial assurance requirements passed by the 1996 Legislature). (See attachment 2)

Rep. Vaughn Flora made a motion the two bills requested by KCC be introduced. Rep. Dennis McKinney seconded the motion. Motion carried.

Rep. Sharon Schwartz requested a bill that would give the Department of Agriculture civil penalty authority for violations of the Kansas Water Appropriations Act.

Rep. Vaughn Flora made a motion the bill requested by Rep. Schwartz be introduced. Rep. Clay Aurand seconded the motion. Motion carried.

The Chairperson announced that Tuesday, January 30 will be the last day for bill introductions in this committee.

Rick Bean, Chief of Remedial Section, KDHE, was welcomed. He provided an update of two KDHE cleanup programs, the Voluntary Cleanup and Property Redevelopment Program and the State Cooperative Program. Throughout the briefing he specifically discussed contaminated sites associated with the agri-business industry to provide a better understanding of the relationship between KDHE's cleanup programs and the Kansas Agricultural Remediation Trust Fund. The Voluntary Cleanup and Property Redevelopment Act was enacted by the Kansas Legislature on July 1, 1997. The purpose of the Act is to allow voluntary cleanups of contaminated properties with oversight by the Kansas Department of Health and Environment to promote the transfer, redevelopment and reuse

## CONTINUATION SHEET

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of contaminated properties and protect public health and the environment. The VCPRP is designed for low to moderate priority contaminated sites. The State Cooperative Program is designed for higher priority sites, such as sites that directly impact drinking water supplies. The program has been in existence since 1991 and creates a process that resembles the federal superfund process, yet allows responsible parties to work with the State without federal involvement. (See attachment 3) Discussion and questions followed.

Mary Jane Stattelman, Administrator for the Kansas Agricultural Remediation Board, was welcomed to the committee and gave an overview of the Board's program. She introduced members of the Board in attendance today; Linda Peterson, Chair; Larry Shivers, Vice Chair; Laura Pearl; Kamyar Manesch; Rick Bean; and Gary Meyer. **SB501**, which was passed last year created the following: (1) Remediation Linked Deposit Loan Program, this program is to be administered by the state treasurer for the purpose of providing lower interest loans to eligible persons to pay the costs of corrective action approved or ordered by the Kansas Department of Health and Environment. (2) Remediation Reimbursement Program, this program is administered by the Kansas Agricultural Remediation Board and provides reimbursement to an eligible person for the costs of corrective actions approved by KDHE or taken in accordance with an order from KDHE. (3) Kansas Agricultural Remediation Board, this Board includes five members who are appointed by the Governor and confirmed by the Senate and two ex officio members representing KDHE and KDA. These Board members will serve a term of four years. (See attachment 4)

Discussion and questions followed.

The Chairperson thanked Mr. Bean and Ms. Stattelman for their presentations and opened the hearing on **HB2048**.

**HB2048: An act concerning riparian buffers.**

Tracy Streeter, Exec. Director, Conservation Commission, was welcomed to the committee. He appeared before the committee in support of the bill and believes this bill will allow Kansas landowners an additional incentive to plant lands adjacent to streams to trees. Current state law allows riparian buffer strips up to 150 feet in width that are enrolled in the Conservation Reserve Program to be taxed as grassland or wasteland. Last year, USDA modified the CRP rules to increase the maximum width for riparian forest buffer strips to 180 feet. As a result, the state tax incentives offered under the Governor's Buffer Initiative are not in direct alignment with the CRP rules. This revision only affects buffer strips planted to trees. Currently, only 230 acres of the approximately 3,000 acres enrolled in the Initiative have been planted to trees. (See attachment 5)

Bill Fuller, Kansas Farm Bureau, was welcomed to the committee. He testified in support of the bill and encourages; (1) additional efforts to prevent contamination of ground water and surface water; (2) adequate funding to assist landowners with projects including the installation of stream buffers; (3) and support of the Governor's Water Quality Initiative. Kansas Farm Bureau supports the Governor's recommendation in his recent State of the State message to a joint session of the Kansas Legislature proposing to expand the buffer program to three additional river basins where TMDL's are now being implemented. While this initiative is being worked through the legislature's appropriation process, they ask each member of the committee to promote and support this important water quality program. (See attachment 6) Discussion and questions followed.

Chairperson Freeborn closed the hearing on **HB2048** and asked if there were any objections to taking action on the bill today. There were no objections.

Rep. Bruce Larkin made a motion the bill be passed favorably and placed on the consent calendar. Rep. Sharon Schwartz seconded the motion. Motion carried.

The Chair announced that The Water Protection Agency of Central Kansas (WaterPACK) which was on the agenda to present a brief statement and introduction, cancelled for today.

The meeting adjourned at 4:45 p.m. The next meeting is scheduled for Tuesday, January 30, 2001.