

Testimony on SB 153

Senate Agriculture and Natural Resources Committee

**Bob Jurgens, Director
Bureau of Environmental Remediation
Kansas Department of Health and Environment**

Date: 02/19/2019

Chair Kerschen and Members of the Committee, thank you for the opportunity to provide written testimony in support of SB 153. The Kansas Department of Health & Environment (KDHE) is responsible for protecting human health and the environment from releases of hazardous substances, and other pollutants. The Spill Response Program's primary objective is to ensure that notification, containment and immediate environmental cleanup measures associated with the accidental spill of pollutants are implemented. A [KDHE Spill Reporting Hotline](#) is monitored 24/7 by program staff. Spill response activities are tracked to ensure impacted soil and water is cleaned up to appropriate standards or referred to a separate cleanup program. As proposed, SB 153 amends the existing Water Supply and Sewage Act (K.S.A. 65-171) as necessary to strengthen and clarify the ability of the Department to maintain a spill program.

The Spills Program addressed 900+ reported spills in Fiscal Year 2018. Many of the reported spills are of small volumes and of relatively low risk to human health and the environment. This bill consolidates the authority for the Secretary to operate a spill program into a single statute. The bill provides clear direction as to the duties of the Secretary, the responsibilities of all the parties involved during a release, the ability for the state to cost recover expenses incurred during a response, and the power for the Department to levy penalties for violating the statute. This bill will improve transparency with stakeholders and ensure more complete adherence to the requirements of the statute.

KDHE stakeholders regulated under spill reporting rules and regulations have indicated a desire for KDHE to have reportable quantities consistent with other Kansas agencies, federal regulation and other states in the region. The necessity of performing a cleanup for every release will remain, but the bill will lessen onerous requirements on industry to notify the state of small releases by providing for the establishment of reporting quantities to be further detailed in regulation. The changes will also allow consistency for companies with facilities in multiple states in the region and eliminate confusion of the regulated community caused by varying reporting requirements. Compliance with the statute will be encouraged with the ability of the Secretary to penalize responsible parties for non-reporting, under-reporting or intentional discharges. The proposed not to exceed \$10,000 penalty is consistent with similar KDHE statutes, but the actual amount of a penalty will be consistent with a fair policy that takes into consideration intent, severity, risk to human health & the environment, and repetition of violations.

The bill will permit the Secretary to take steps that balances the need to ensure a clean and healthy environment for Kansans while allowing for reasonable requirements on industry during the response to a release. By consolidating and clearly defining the duties of the Secretary, the bill will allow the Department to ensure that the health of Kansans and the environment is protected from the damage caused by the release of a pollutant.

Thank you for the opportunity to share the critical importance of this bill. I welcome any questions.