

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 10, 2000 in Room 423-S of the Capitol.

All members were present except: Rep. Henry Helgerson - excused
 Rep. Melvin Minor - excused

Committee staff present: Raney Gilliland, Kansas Legislative Research Department
 Mary Torrence, Revisor of Statute's Office
 Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Bill Bider, Director, Bureau Waste Management, Kansas
 Department Health & Environment, Forbes 740, Topeka, KS
 66620-0001
 Shawn White, Deffenbaugh Industries, Inc., P.O. Box 3220,
 Shawnee, KS 66203

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced there were three bills for discussion and possible action. Two of the bills probably would not be amended and one with an amendment. She opened **HB2659** for discussion and possible action.

HB2659: **An act concerning public wholesale water supply districts; relating to the powers and duties thereof.**

Rep. Dan Johnson made a motion the bill be passed favorably and placed on the consent calendar. Rep. Vaughn Flora seconded the motion. Motion carried.

The Chairperson opened **HB2781** for discussion and possible action.

HB2781: **An act concerning the state corporation commission; relating to application of certain penalties.**

Rep. Becky Hutchins made a motion the bill be passed favorably and placed on the consent calendar. Rep. Dan Johnson seconded the motion. Motion carried.

The Chairperson opened **HB2782** for discussion and possible action.

HB2782: **An act concerning oil and gas; relating to disposition of certain fees.**

A balloon to the bill was distributed by Mary Torrence, Revisor of Statutes. (See attachment 1)

Rep. Dennis McKinney made a motion to adopt the balloon. Rep. Vaughn Flora seconded the motion. Motion carried.

Rep. Tom Sloan made a motion the bill be passed as amended. Rep. Dennis McKinney seconded the motion. Motion carried.

Chairperson Freeborn welcomed Secretary of Agriculture, Jamie Clover-Adams, to the committee. She appeared today to give an update and review of Developing and Implementing Total Maximum Daily Loads (TMDLs): Kansas

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and the Western United States. (See attachment 2) (Kansas Department of Agriculture Annual Legislative Briefing) She recently attended a Western Governor's meeting and served on a panel to share what Kansas has done on TMDLs. She feels Kansas is on the right track, has the basics down, and is way ahead in the TMDL implementation effort. Under Section 303(d) of the Federal Clean Water Act, states must identify lakes, streams and rivers for which permitted point source effluent limits are not enough to ensure the stream meets its designed use. States must then submit lists of "impaired waters" to the Environmental Protection Agency (EPA), develop TMDLs for the impaired segments and design corrective programs to ensure these waters meet their designated uses. Many Kansas streams are impaired by field run off or other non-point sources. The Kansas Department of Agriculture, Soil Conservation Commission and Kansas State University are working with the agricultural sector to implement TMDL non-point source (livestock and row crop) water quality protection programs. A coalition of 14 agricultural organizations has been formed and is working with the state agencies to encourage local TMDL activities within the agricultural sector.

Kansas Department of Agriculture and its cooperators have actively sought the assistance and support of agricultural associations and local conservation districts in the TMDL implementation effort. Local involvement and support is essential to success and will benefit Kansas family farms. (See pages 37 & 38 attachment 2) Questions and discussion followed. Tracy Streeter, Executive Director, Conservation Commission, was in attendance to answer questions concerning costs. Tom Stiles, Section Chief, Kansas Department Health and Environment, was in attendance to answer questions regarding TMDLs. Ron Hammersmidt, Director, Division of Environment, KDHE, was in attendance to answer questions concerning water quality standards. Secretary Adams distributed a copy of a letter to Carol M. Browner, Administrator, regarding Voluntary Cancellation of Pesticides, for the committee to review. (See attachment 3)

The Chairperson thanked Secretary Adams for her presentation and opened public hearing on **HB2860**.

HB2860: An act concerning solid waste.

The Chairperson welcomed Bill Bider, Director, Bureau of Waste Management, KDHE, to the committee. He testified in support of the bill on behalf of the Department. They feel this bill makes several changes to statutes which address the payment of tipping fees and expenditures from the solid waste management fund. All of the changes fall into the following five areas: (1) Applicability of the Tipping Fee; (2) Uses for the Solid Waste Management Fund; (3) Eligibility for Grants; (4) New Enforcement Authority for Users of the Fund; (5) KDHE Reporting Requirement Related to the Fund. The costs of the recommended changes will affect the few cities and counties which export their solid waste from Kansas to another state through a permitted transfer station. (See attachment 4) Questions and discussion followed.

Written testimony only was submitted by Craig R. Simons, County Administrator, Harvey County, Newton, Kansas, in support of the bill. (See attachment 5)

The Chairperson welcomed Shawn White, Deffenbaugh Industries, Inc., Shawnee, Kansas. He appeared today in opposition to the bill. Deffenbaugh opposes expansion in spending of the solid waste fund for grants. They oppose increased spending from the solid waste fund for household hazardous waste projects that may already be funded by other Kansas statutes. They oppose expansion of spending from the solid waste fund for environmental cleanups. They oppose expansion of the fee to waste heretofore not covered. They oppose "tax breaks" to the Federal Government that may ultimately lead to requests to increase the tipping from its current level of \$1.00/ton. Deffenbaugh does support efforts to strengthen grant eligibility criteria and efforts to minimize or eliminate fraudulent misuse of grant funds. For these reasons Deffenbaugh Industries urges the committee to reconsider many of the key provisions of the bill and suggests an interim study committee. (See attachment 6)

Shawn Herrick, Executive Director of the Mid-America Tire Dealers Association, appeared in opposition to the bill. MATDA is opposed to striking the language on lines 23-25 on page six. This would remove the current exemption from tonnage fees for waste tires. Tire dealers must use permitted entities which, with enforcement, prevents illegal dumping. Dealers and consumers in Kansas contribute on average of \$50 per ton of waste tires through the 50 cent excise tax on the sale of new tires for the purpose of dealing with waste issues. The dollars generated by the 50 cent

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excise tax have provided the funding for cleaning up stock-piled scrap tires, as well as providing funding for other grant programs. MATDA members feel that they are already providing the means for \$50 per ton for managing waste tires; the mechanism is in place for managing their waste stream, and innovative waste processing should be viable on its own merits and not supported by tax dollars. Independent tire dealers, as an industry, have been part of the solution to waste problems in their industry. Because of these reasons, the exemption for waste tires from a general solid waste tipping fee should be left intact. (See attachment 7)

The Chairperson closed the hearing on **HB2860** and opened public hearing on **HB2861**.

HB2861: **An act concerning waste tires.**

Chairperson Freeborn welcomed Bill Bider, Director, KDHE, to the committee. He testified in support of the bill. This bill was drafted by KDHE to update the waste tire statutes with respect to certain obsolete grant provisions; to clarify KDHE's regulatory authority related to accumulations of tires on rims; and to confirm that KDHE can use the waste tire management fund to directly contract for the disposal of waste tires collected through county-coordinated amnesty collection programs. A copy of a map showing the status of the statewide waste tire clean-up project is attached. At this time, it appears that the clean-up program will probably last through the end of the time period authorized by statute (July 1, 2001). (See attachment 8)

Questions and discussion followed.

Chairperson Freeborn closed the hearing on **HB2861**. She thanked all conferees and guests for their participation.

The meeting adjourned at 5:45 p.m. The next meeting is scheduled for February 15, 2000.