

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:10 a.m., on February 15, 2000 in 245-N of the Capitol.

All members were present except:

Committee staff present:

Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Senator Don Biggs, Leavenworth, KS
Karl Mueldener, Kansas Department Health and Environment (KDHE)
Craig Volland, Sierra Club and Stewards of the Land
Ken Meier, Commissioner, Harvey County
Dwight Metzler, Topeka, KS
Jolene Grabel, Regional Economic Area Partnership
Mike Jensen, Kansas Pork Producers Council
Gary Stanford, Admire, KS
Representative Sharon Schwartz, Washington, KS

Others attending:

See attached list.

With a motion from Senator Huelskamp and a second from Senator Biggs the minutes of February 9 and 10 were approved.

The hearing was opened on **SB 562–Swine confined feeding facilities; requirements relating to facility and lagoon closure.**

Senator Don Biggs, Leavenworth, KS supported the bill. The bill would lower the threshold for submitting a plan for closure from 3725 animal units to 1000. It addresses the ownership issue of the operator, and it requires the operator to demonstrate annually to the satisfaction of KDHE their financial ability to cover the cost of closure of the facility (Attachment 1).

Karl Mueldener, Kansas Department Health and Environment, said they believe **SB 562** will help protect the environment from problems from swine facilities. Studies have shown that lagoons when taken out of service can potentially create groundwater contamination problems unless properly decommissioned. Usually a lagoon being removed from operation is associated with the closing of the livestock facility, and quite often the operator is short on capital, and this bill would help keep cleanup costs with the facility operator as opposed to being transferred to neighbors or the state (Attachment 2).

Craig Volland, President of Spectrum Technologists, an environmental consulting firm in Kansas City, KS, testified in favor of the bill on behalf of the Kansas Chapter of the Sierra Club and Stewards of the Land said he has personally reviewed most of the large hog facility permits processed in western Kansas. He said his point is that the dollars involved in remediation of these facilities at the end of their useful lives could be quite substantial even for facilities smaller than the current “large” facility threshold of 3725 animal units, and the dollars might not be there for remediation. He thought this bill would assure that funds were available for this purpose (Attachment 3).

Ken Meier, Commissioner, Harvey County, remarked that stricter regulations were important but need to be cautious that they are not so strict that it drives the farmers off of the land. The secretary of KDHE already has authority to enforce more stringent regulations than those included in the bill. He said there was a need for a better way to take samples from lagoons. He showed a brochure of a tool that could be designed to do so. Responding to several questions Mr. Meier said their county is an agricultural county

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

and they were very concerned that the cost of doing business would become prohibitive for the small producers and run them out of business leaving only large producers. He supported the bill as it would make operators responsible for remediation. He expressed a real concern for protection of the Equus beds.

Dwight F. Metzler, Topeka, KS, urged the adoption of the bill. He suggested also that KDHE needs more funding for research on the public health effects of air borne aerosols and chemicals (Attachment 4).

Galen Grabble, Regional Economic Area Partnership, said the number one priority of REAP is to "Guarantee that there is absolutely no threat to the region's public water supply." (Attachment 5)

Mike Jensen, Kansas Pork Producers Council, opposed the legislation as it would require producers to spend money as an insurance against a situation that has never occurred in Kansas. He stressed there had never been a single instance where public money was needed for closure of a facility. In his opinion the bill would essentially be imposing tax on producers. Included with Mr. Jensen testimony is a Kansas Pork Industry fact sheet (Attachment 6).

Gary Stanford, Admire, KS, opposed the bill. He said they have always strived to be good environmental stewards of the land and water. All this bill would do is take money from their pocket and put it into the hands of insurance companies, bonding companies, or bankers. This money could be used better by his family for educating the children or to be invested in their family operation (Attachment 7).

Sharon Schwartz, Representative, Washington, KS, opposed the bill. She said two years ago legislation was passed that provided for the most stringent environment requirements on confined swine operations in the U. S. At that time we discussed closure requirements but were informed that very little research had been done to address the question. Now less than two years later, we are considering amending the act to include 1000 animal units to comply with closure requirements for the larger units. At the present time, there has been no prove that this is necessary to protect the groundwater (Attachment 8).

Chairperson Corbin closed the hearing on **SB 562**.

The meeting adjourned at 9:00 a.m. The next scheduled meeting is at 8:00 a.m. on February 16, 2000.