

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Representative Joann Freeborn at 3:30 p.m. on February 18, 2003 in Room 231-N of the Capitol.

All members were present except: Representative Dan Thimesch - excused
Representative Vaughn Flora - excused

Committee staff present: Raney Gilliland, Legislative Research
Emalene Correll, Legislative Research
Mary Torrence, Revisor of Statutes
Mary Ann Graham, Secretary

Conferees appearing before the committee: Bill Bider, Director, Bureau of Waste Management, KS Department Health and Environment, 1000 SW Jackson Ste. 320, Topeka, KS 66612-1366
Tom Whitaker, Exec. Director, KS Motor Carriers Assoc., 2900 SW Topeka Blvd. PO Box 1673, Topeka, KS 66601-1673
Thomas Palace, Exec. Director, Petroleum Marketers & Convenience Store Assoc., 201 NW Highway 24, Ste 320, PO Box 8479, Topeka, KS 66608-0479
Gary Blackburn, Director, Bureau of Environmental Remediation, KS Department Health and Environment, 1000 SW Jackson Ste. 410, Topeka, KS 66612

Others attending: See attached sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She reviewed the committee agenda for Thursday, February 20, possibly a sub-committee report will be given on **HB2197** - Assistance animals for handicapped and disabled persons. A hearing on **HB2247** - An act concerning environmental contamination of real property; providing for prohibition or restriction of activities on and use os such property. A bill similar to this one was worked in this committee in the past but was not worked by the Senate. Some changes have been made to the bill. Possible action on **HB2196** - Storage tanks; applicability of certain prohibitions.

The Chairperson opened public hearing on **HB2218**.

HB2218: _____ Hazardous waste; unlawful acts, technical correction.

The Chairperson welcomed Bill Bider, Director, Bureau of Waste Management, KDHE, to the committee. He testified in support of the bill. This bill was introduced by the department to correct a statutory citation found in KSA 65-3441, which is part of the state hazardous waste law. To correct an error which has existed for years, this bill changes the reference to KSA 65-3431 in paragraph (a)(1) to KSA 65-3451. The need for this change was identified during a meeting of the Joint Committee on Administrative Rules and Regulations

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last year. While there is no history of problems caused by this error, it did result in confusion in the Rules and Regulations Committee when members were searching for the statutory provision which establishes the hazardous waste generation rates which trigger more stringent management standards. More serious problems could also result from this error. It is possible that the more flexible disposal standards for the smallest category of hazardous waste generators could be challenged because that flexibility is currently tied to the wrong statute. (See attachment 1) Committee questions and discussion followed.

The Chairperson closed the hearing on **HB2218** and asked if the committee wished to take action.

Rep. Dan Johnson made a motion the bill be passed favorably and placed on the consent calendar. Rep. Joshua Svaty seconded the motion. Motion carried. Rep. Lee Tafanelli will carry the bill on the House Floor if pulled from the consent calendar.

Chairperson Freeborn opened the hearing on **HB2196**.

HB2196: Storage tanks; applicability of certain prohibitions.

Raney Gilliland, Legislative Research Department, explained the bill. Committee questions and discussion followed.

The Chairperson welcomed Tom Whitaker, Exec. Director, Kansas Motor Carriers Association, to the committee. He testified in support of the bill representing their 1,250 member firms and specifically, the for-hire tank truck carriers. This bill places total responsibility on the tank owner for depositing motor fuel in an unregistered storage tank. Kansas law requires the owner of a motor fuel storage tank to annually register such tank with the Kansas Department of Health and Environment prior to July 31 of each year. The registration fee is \$10 per tank. Recently, for-hire tank truck carriers have been fined in amounts up to \$2,000 for placing motor fuel in an unregistered storage tank. (See attachment 2)

Thomas Palace, Exec. Director, Petroleum Marketers and Convenience Store Association (PMCA), was welcomed to the committee. He testified in support of the bill on behalf PMCA, a statewide trade association representing over 360 independent petroleum companies and convenience stores throughout Kansas. This bill amends the Kansas Storage Tank Act, concerning unlawful acts related to dispensing of fuel in a storage tank that has not met the tank requirements set forth by the Kansas Department of Health and Environment. Tank owners are required to apply for or renew their tank permits annually with KDHE. The bill specifies that the tank owner shall be the only party liable (civil fines) if they have not been issued a permit from KDHE and consequently allow a non-permitted tank to receive fuel. To receive a permit a tank owner must provide, to KDHE, proof that they have: leak detection/inventory control, corrosion protection, paid the tank fee, and spill and overfill protection for their tanks. (The permit also allows access to the Underground Petroleum Storage Tank Trust Fund.) (See attachment 3)

Committee questions for proponents and discussion followed.

The Chairperson welcomed Gary Blackburn, Director, Bureau of Environmental Remediation, KDHE, to the committee. He testified in opposition to the bill and believes the proposed legislation will remove the

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responsibilities placed on the fuel suppliers. The provision proposed for deletion assists the agency in enforcing underground tank program requirements and ensures the safest possible storage of this material. Petroleum is a regulated substance because of the substantial risk of harm to the public and the environment posed by releases of petroleum into the environment. As a regulated substance, petroleum products should be managed carefully from production through distribution to limit the risks of release. Many of the chemical components contained in petroleum products are toxic, some are known carcinogens, along with the fire and explosion hazards with which we are familiar. We should attempt to use any tools available that assists us with preventing releases that may bring the public into contact with these chemicals. Current law requires that fuel suppliers do not place fuel in un-permitted tanks. This reduces the likelihood that tanks not meeting requirements will be used and that leaks will occur. In addition, this provision aids the department by reducing the burden of numerous inspections to ensure that fuel is not being put into these tanks. (See attachment 4)

Committee questions of the opponent and discussion followed. Tom Winn, Section Chief, Storage Tank Section, Bureau of Environmental Remediation, Kansas Department of Health and Environment, was in attendance to answer questions.

The Chairperson closed the hearing on **HB2196** and appointed a sub-committee to discuss **HB2196**, Rep. Lee Tafanelli, chair, Rep. Gary Hayzlett and Rep. James Miller.

The meeting adjourned at 4:50 p.m. The next meeting is scheduled for Thursday, February 20, 2003.