Approved:	2-12-99	
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#### 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 11, 1999 in Room 254-E of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:
Harold Frankhauser, Greenwood County Commissioner
Freda Keeney, Mayor, Fall River, KS
Tim Rhone, Public Works Superintendent, City of Severy
Ray Meyer, Fall River, KS
Max Trimell, Neodesha, KS
Cole Conard, Severy, KS
Tom Eubank, Severy, KS
Representative Mary Compton, 13th District
Boyd Powell, Fall River, KS

Others attending:

See attached list.

Chairperson Corbin opened the hearing on <u>SB 218 -- Solid waste disposal areas; relating to location in Greenwood County.</u> Senator Corbin announced the following items had been distributed to the committee: written testimony from Robert Coble Mayor of Severy, (<u>Attachment 1</u>), Carole Odell, City Commissioner, Fredonia, a letter opposing the legislation (<u>Attachment 2</u>), and a letter from Greenwood County Commission requesting the legislation be introduced (<u>Attachment 3</u>). Also, the fiscal note on <u>SB</u> <u>218</u> showing no impact.

Harold Frankhauser, Greenwood County Commissioner, explained why their board of county commissioner had asked to have the legislation introduced. His testimony supporting the bill gives some options which they are considering, and passage of <u>SB 218</u> would broaden their options. He stressed that if a proposed site for a landfill was not safe for Greenwood Citizens he certainly would not be in favor of it (Attachment 4).

Mr. Frankhauser told the committee Larry Thurston, who was scheduled as a proponent would not be able to be present due to a gravely ill family member.

Freda Keeney, Mayor, Fall River, KS listed to testify against **SB 218** yielded to Mr. Meyer from Fall River.

Ray Meyer, Falls River, KS, testified in opposition. He realized the bill had been introduced to accommodate a request from Greenwood County commissioners. But he opposed the bill as he feared it was saying go ahead build your landfill, protect your lake, and take the risk of polluting a creek which empties into a major river. He simply could not accept a trade-off like that (Attachment 5).

Tim Rhone, Public Works Superintendent, City of Severy, KS, testified in opposition. The bill under consideration would allow the proposed landfill to be one fourth mile from the City of Severy's ongoing water supply project on Salt Creek (Attachment 6).

Max L. Trimmell, , Civil Engineer, presently employed by Cessna Aircraft Company. He lives in

Neodesha, KS, testified in opposition to the bill. He said while he was in college he was employed by an engineering firm specializing in hydro geological investigations water supply development for municipalities, and groundwater remediation at numerous industrial, and solid waste landfill sites throughout the United States. If a landfill is this vicinity was permitted before the Severy Reservoir was expanded, this would negate the future option of expanding the reservoir because the location on the Salt Creek would then be in downgradient harms way. He said "this is not the time to regress the environmental control" ((Attachment 7).

Cole Conard, Severy, KS. said he wanted to be on record opposing the landfill in Greenwood County. He asked the committee to consider the welfare of their people and their health (Attachment 8). He submitted a petition opposing the landfill, signed by 200 people from Severy and surrounding area (Attachment 9).

Tom Eubank, Severy, KS. spoke in opposition to the bill (Attachment 10) Mr. Eubank responded to questions.

Rep. Mary Compton spoke in opposition. She asked that the water system of Fall River and Fredonnia be considered.

Harold Frankhauser said that the present Greenwood County landfill will be closed in the year 2001. The present landfill does not have a liner the new landfill would have a liner and it should be safer. The county commission at this time is only gathering information. Responding to a question he said the landfill would be private owned and it would take waste from where ever they wished. Greenwood County does not have enough population to support a landfill just for their county.

Boyd Powell, Fall River, said he thought there were other locations available that would not affect so many people and water sources.

Max Trimell said he did not think it was a good precedent for Kansas to lower the standards for distances between landfills and water sources.

The hearing on SB 218 was continued until February 11.

### SB 158-creating the Kansas propane education and research council; providing for the powers, duties, and functions.

The Chairperson opened the discussion on the bill. Steve Kearney with the Propane Marketers said they were discussing an amendment and it was not drafted yet.

Chairperson Corbin said further discussion would be delayed until the amendment was prepared.

The meeting adjourned at 8:52 a.m.

The next meeting will be held on February 12, 1999.

# SENATE ENERGY & NATURAL RESOURCES COMMITTEE GUEST LIST

DATE:	2-11	5.

NAME	REPRESENTING
Ron L. Mc Collum	Fall River, Lansas
Robert E/Roc	FAII River RS
Bolly Veniord Venita Prod	Fall Benio KS
aguita Elrad	Fall River \$5
norma Lay Jones	Fall River, Ks 67047
Morma Lay Jones Trede J. Keeney	Fall River, Ko.
Day Meyer	tall Thire Ph.
Max I Hommel	Jackshy, Ke
Bokeeney St	Foll Rive Xs
Viem Rhone	Severy Ks.
Mayor Robert & Coble	Severy, Ks.
Cole Conard	Severy Ks,
Tom Eubank	Severy Elementary School Severy, KS
Vern & Cora Mai Dewees	Fall River, Es.
San Barber	Kaw Drainage District
Sunda Muyer	Fall Ruse, KS
Boyelfowell	Lall River Ks.
Topy Dearne	Fall River KS
Mary Compton	Fredoria

# SENATE ENERGY & NATURAL RESOURCES COMMITTEE GUEST LIST

DATE:	2-11	×
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NAME	REPRESENTING
Christina Coloman	Ks. Chapter of Diena Cerro
Noset & Spoke	Survey Sypenin Much & Spen LCC
John Petersn	Browning Ferris Industries
Charles Benjamin	KNRC/KS Siena Club
Rep Reggy Palmer	
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## CITY OF SEVERY



Robert E. Coble, Mayor

Telephone: (316) 736-2323

P. O. Box 128 Severy, KS 67137

February 4, 1999

Sen. David R. Corbin 5079 S.W. Fulton Road Towanda, KS 67144-9097

RE: PROPOSED TRASH DUMP SITES IN SO. GREENWOOD CO.

Dear Sir:

It has recently come to our attention that several companies are trying to convince our County Commissioners to approve a regional trash dump site in Southern Greenwood Co. South of US400 and East of Highway 99. It was also rumored to us that one of them, namely Richie Bros., may attempt to pass legislation to suspend the law of keeping such a site greater than one mile away from a public water source, namely Severy Municipal Reservoir. Hence our letter to you.

Last year, Severy received a CDBG grant # 97-PF-096 for the Salt Creek Project, a backup water supply for Severy Municipal Reservoir. Our lake, which is located three miles East of town, uses for watershed the small area in which the old Blake Quarry (now Martin Marrietta) was located. When MMA decided to move operations there, we opposed the expanding of the operation because of settling ponds which would collect our water before it reached our lake. We were also worried about the ponds overrunning during wet weather and sending lime dust into our ingress. They assured us there would be no major growth, then proceeded to build three settling ponds and expand as they wished. Soon after we received our grant for the backup water project using excess Salt Creek water, we learned that Richie Bros. had purchased land surrounding that area, and that Martin Marrietta then began expanding operations there, including building an access road over our water main. Now, they want to put in a trash dump for at least five counties. PLEASE! IS IT EVER GOING TO END? Several people have mentioned that Severy could just go on rural water, but our RWD is rationing water now, and their minimum charge is four times greater than ours. How can Severy expect to grow when these companies are trying to run all over our water supply.

Severy is a small town, true; however, this administration over the last four years has made tremendous effort to improve it and to encourage our young people to stay and raise their children here. Two years ago, we received a Park & Wildlife grant and improved our municipal

Senate Energy & Natural Resources

Attachment:

Date: 2-1/-99 1-1

CITY OF FREDONIA

CITY COMMISSIONERS

JERRY W. RICE, MAYOR

CAROLE ODELL, FINANCE

ELDON D. McGINNIS, UTILITIES

314 N. 7th Fredonia, Kansas 66736

Phone 316-378-2231 FAX 316-378-2693

February 9, 1999

ANITA M. SAVEDRA, MUNICIPAL CLERK

The Honorable Senator David Corbin Room 120-S State Capitol Building Topeka, Kansas 66612

Senator Corbin,

It was brought to my attention yesterday at our Fredonia City Commission meeting that Greenwood County, which is adjacent to our Wilson County on the northwest, has been approached by a privately owned disposal firm in Sedgwick County to lease a vacated rock quarry for landfill purposes. The quarry is located a short distance from our Fall River which is the sole water supply source for Fredonia, Neodesha, and Independence. Our interest, of course, is the fact that we fear the contamination of our water supply by the possible landfill. Your Senate Bill #218 makes things even more serious, in that the distance of a landfill from a water supply has been shortened to a distance of one-half (1/2) mile. I would encourage you to reconsider this bill, as I am very sure that we will have a problem with contaminated runoff into the Fall River if such a landfill were to be allowed.

I would very much like to visit with you about this situation, and I am sorry that I was unable to see you in person today during my visit to Topeka. I will look forward to visiting with you regarding this important topic. I have enclosed one of my business cards so that you can be in touch.

Thank you for giving this problem your attention and I look forward to hearing from you in the near future.

Sincerely,

Carole Odell

Fredonia City Commissioner

cc. Senator Tim Emert
Representative Mary Compton
Secretary of SRS Rochelle Chronister

Senate Energy & Natural Resources

Attachment: 2

Date: 2-11-99 2-1



#### GREENWOOD COUNTY COMMISSION COURT HOUSE EUREKA, KANSAS 67045

January 25, 1999

Senator David Corbin State Senate State Capitol, Room 120-S Topeka, Kansas 66612

Dear Senator Corbin:

Greenwood County presently operates a Municipal Solid Waste Landfill under a Vertical Expansion Permit which extends the life of our landfill through October 9, 2001.

Required closure is estimated to cost \$450,000. An alternate disposal method for the County's solid waste will need to be in place at that time. The disposal options include construction of a transfer station and hauling the waste to an approved facility out of the area or a Sub Title D Landfill. Added to the cost of closure of the present Landfill, either of these represents a substantial financial burden for our small county.

We have recently become aware of an interest in locating a large regional landfill within Greenwood County. The site under consideration has many positive attributes but it is within one (1) mile of a small lake

which serves the City of Severy.

As the proposed landfill site is not up-gradient from the lake and there is a major creek drainage area below and between the two, pollution of a municipal water source will not be an issue. For these reasons and to provide the County the opportunity to consider this option, the Greenwood County Commissioners request your help in obtaining permissive legislation which would permit a landfill within one (1) mile of the water supply. Thank you for your consideration.

Respectfully yours

Chairman

Member,

Member

Senate Energy & Natural Resources

Attachment: 3

Date: 2-1/-99 3-/

Trankhauser, Greenwood Co. Commissioner

February 11, 1999

Chairman Corbin, Ladies and Gentleman, thank you for the opportunity to come before your committee this morning.

I wish to testify in favor of Senate Bill #218 which amends K.S.A. 1998 Supplement, 65-3407, for the following reason:

Greenwood County has operated it's landfill for 25 years. It is not a Sub Title D landfill and is currently operating under a five (5) year Vertical Expansion Permit which extended the landfill's life through October 9, 2001. A KDHE approved, affordable, alternative solid waste disposal plan for Greenwood County will have to be in place by that date. And, closure costs of the present landfill are estimated to exceed \$450,000. Financial Assurance for this is guaranteed by Bonding plans.

Options which are under consideration include;

- a. The development of a Sub Title D Landfill. The County produces only 5000 ton per year of trash and such a landfill would not be economically feasible.
- b. A large, Sub Title D Landfill, which would accept wastes from the surrounding region could be financially attractive for us, if an acceptable site is located. And,
- c. A Transfer Station. The construction cost plus the expense of transporting wastes to a facility out of the area would represent a substantial financial burden for our small county.

Passage of SB218 would broaden our options by allowing us to consider the placement of a regional landfill within one mile of an intake point from a public surface water supply system, where it can be demonstrated that the proposed Landfill is not upgradient from, nor located within the same drainage area as the intake point.

Again, thank you, Ladies and Gentlemen, for your time and consideration of our needs.

Senate Energy & Natural Resources

Attachment: 4

Date: 2-11-99

4-1

My name is Ray Meyer, I manage a ranch at Fall River KS. The group I came with today are concerned over the Senate bill 218 and how it might apply to a situation we have in Greenwood Co.

They sent it to Senator David Corbin. We realize it was Senator Corbins duty to respond to their wishes and we believe the Senator accepted the facts in their request in good faith. We believe the potential trouble lies in the fourth paragraph of our commissioners letter. It infers that a major creek drainage area will protect the Severy Lake from any possible pollution from a landfill. I believe this statement to be true, however this creek drainage area that they mention is called Salt Creek, which empties into the Fall River. This river goes on to supply water for various communities downstream.

This bill was evidently written to accommodate our commissioners request. What we fear it says is, go ahead build your landfill, protect your lake, and take the risk of polluting a creek which empties into a major river. We simply cannot accept a trade-off such as this.

We sincerely hope you will take a close look at this bill and while doing so, look at the letter prompting this legislation. When you know the complete story you will find that this change has the potential to create a situation that could pollute a very important river in southeast Kansas.

We appreciate this time you have given us and hope you understand our concern is not only for Greenwood County but for all of Kansas.

Thank You,

Senate Energy & Natural Resources

Attachment: 5

Date: 2-11-99

## CITY OF SEVERY



Telephone: (316) 736-2323

Robert E. Coble, Mayor

P. O. Box 128 Severy, KS 67137

COMMENTS ON
SENATE BILL No. 218
BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
February 11, 1999

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to present comments on Senate Bill No. 218. I am Tim Rhone, Public Works Superintendent of the City of Severy, KS. The City water system services approximately 400 people with 140 of these attending Severy Elementary School in USD # 282.

The City of Severy is opposed to Senate Bill No. 218. The adverse affect of the Bill will allow a proposed regional landfill to be five eighths of a mile from Severy Municipal Lake. This lake is now Severy's only water supply; but the City of Severy has been and is in the process of building a backup water supply on Salt Creek. The project is being funded by CDBG Project No. 97-PF-096 and Kansas Public Water Supply Loan Fund Project No. 2156. The grant and loan were approved in Nov. and Dec. of 1997 respectively.

This bill will also allow this proposed landfill to be one fourth mile from the City of Severy's ongoing water supply project on Salt Creek. This we cannot have, as our Salt Creek Project will be below and in the same water shed and drainage as the proposed landfill.

This Senate Bill will also impact the City of Fall River and the Fall River.

We, the City of Severy, would suggest that Mr. Chairman and the Members of the Committee deeply consider the impact of this bill, not only on the City of Severy's water supply, but the impact on all water supplies in the State of Kansas, and possibly your very own.

Respectfully submitted,

Tim Rhone, Public Works Superintendent City of Severy, KS

Senate Energy & Natural Resources

Attachment: 6

Date: 2-1/-99 6-1



#### **KANSAS**

#### **DEPARTMENT OF HEALTH & ENVIRONMENT**

**BILL GRAVES, GOVERNOR** 

Gary R. Mitchell, Secretary

November 7, 1997

MAYOR & CITY COUNCIL SEVERY, CITY OF PO BOX 128 SEVERY KS 67137

The Kansas Department of Health and Environment (KDHE) wishes to congratulate you on your receipt of a Community Development Block Grant (CDBG) for 1997. These grants are a major source of funding for many towns in Kansas, and allow improvements to the water system which might not be otherwise possible.

This letter is a reminder that any improvements to the water supply and distribution system must be reviewed and approved by this department prior to construction. Major modifications to the treatment plant or distribution system will also require the submission of a public water supply permit application. These submissions are routinely performed by the consulting engineers, and your engineer can assist you in completing the necessary forms.

Again, we congratulate you on receiving your grant for 1997, and if you need further information about the requirements of the review and permit process, please contact me at (785) 296-5539.

Iraj Pourmirza, PE

Public Water Supply Section

Bureau of Water

IP:lw

pc:

SE District

#### STATE OF KANSAS

BILL GRAVES, Governor State Capitol, 2nd Floor Topeka, Kansas 66612-1590

**展開設部開始** 



(913) 296-3232 1-800-432-2487 TDD: 1-800-992-0152 FAX: (913) 296-7973

November 3, 1997

The Honorable Robert E. Coble Mayor, City of Severy P.O. Box 128 Severy, KS 67137

RE: Grant No. 97-PF-096

Dear Mayor Coble:

I am pleased to award the City of Severy a Community Improvement grant through the Kansas Small Cities Community Development Block Grant program. This award will provide the needed financing for your water project.

The Department of Commerce & Housing will be contacting you to outline the necessary steps for completing the grant agreement between the city and state. This award is contingent upon successful completion of these particular steps.

The Community Development Block Grant program has been successful in meeting community needs for more than 13 years. Congratulations on developing a fine project which will help your community prosper.

Sincerely

BULL GRAVES

Governor

BG:SAD:rjb

#### BACKGROUND

My name is Max L. Trimmell; I am a Civil Engineer, presently employed by Cessna Aircraft Company as a Manufacturing Engineer in Independence, Kansas. I presently reside in Neodesha with my 10 year old son. I am a Kansas native, born and raised in Neodesha until moving to Norman, Oklahoma in 1978 to pursue a Civil Engineering degree at the University of Oklahoma (O.U.), completed in 1983.

Throughout my college years at O.U., I was employed by an engineering firm specializing in hydrogeological investigations, water supply development for municipalities, and groundwater remediation at numerous industrial, petrochemical, and solid waste landfill sites throughout the United States. I accepted an engineering position with that company following graduation at O.U. and continued to develop extensive experience in the area of hydrogeological investigation and groundwater remediation.

I was Founder and President of my own environmental consulting company in Norman, Oklahoma from 1989 to 1996, specializing in investigation and remediation of polluted water supplies, both surface and subsurface. In 1996, I made the personal decision to pursue an environmental engineering position at the new Cessna Aircraft Company facility in Independence, near my hometown Neodesha.

#### AREA OF CONCERN

About 36 hours ago (Tuesday evening), I was having dinner with my parents in Neodesha and I learned of the February 8, 1999 article in *The Wilson County Citizen* newspaper concerning the Greenwood County landfill proposal. They and my 10 year old son became very concerned for the future of Neodesha's drinking water should a landfill location be permitted where it could have a pollution impact into the Fall River watershed. The City of Neodesha/Fall River water intake is less than one half mile from my parents house. My Uncle from northwest of Fredonia had been discussing the issue with my Father earlier that evening and Ray Meyer's name was later mentioned to me as the person I could contact to find out more details about this situation. After contacting Ray Meyer, it became apparent that the group he represented could likely use my background in hydrogeology for evaluating potential impacts from the proposed landfill to the surface and subsurface waters that discharge into the Fall River watershed.

#### PRESENT DANGER

A composite map of the United States Geological Survey 7.5' Quadrangles for North Severy and South Severy indicate that the Salt Creek meanders from West to East about ¼ mile South of the Severy Municipal Reservoir. The Salt Creek empties into the Fall River proper just below the Fall River Dam. The City of Severy has received a grant to expand their surface water supply by damming up the Salt Creek. If a landfill was permitted in this vicinity and experienced a surface water pollution event, the Salt Creek, expanded Severy Municipal Reservoir, and the Fall River would be in the receiving streams.

If a landfill in this vicinity was permitted before the Severy Reservoir was expanded, this would negate the future option of expanding the reservoir because the location on the Salt Creek would then be in downgradient harms way.

Also, the subsurface water impact in this area needs some strong consideration. A relief and drainage pattern map of Greenwood County (Figure 2) obtained from the "Soil Survey of Greenwood County" indicates a subsurface characterization of fractured limestone, sandstone, and alluvium that are present beneath the Salt Creek toward the Fall River proper.

Senate Energy & Natural Resources

Attachment: 1

Date: 2-11-99 7-1

#### PAST AND PRESENT

As a young boy, I grew up fishing, wading, and swimming in the shallow Fall River waters that flow through Neodesha. Between about 1965 and 1980, I noticed a significant degradation in the ecosystem of the river. The varieties of fish species were reduced, residues were present in the bottom sedimentations, and trash was deposited up and down the shorelines. However, recent experiences while fishing and wading with my son in the same river, some 20 years later, indicate a much improved ecosystem, the variety of fish species are back, and the river is much cleaner.

This improvement has to be attributed to the public's heightened environmental consciousness and the success of the State and Federal agencies whom have worked so hard to improve our quality of life. Is NOW the time to regress and loosen the environmental controls that have had a such a long term positive measurable impact on conservation and the surface and subsurface water quality of LIFE?



Volume 128; Number 97 — Monday, February 8, 1999 — Fredonia, Kan

# Landfill proposal for Greenwood County could bring Wichita waste near Fall River

A Greenwood County landfill for household waste from Sedgwick County is surfacing as a concern for area residents. A leading choice for the landfill location is a rock quarry less than a mile from Fall River and even closer to tributaries to the river.

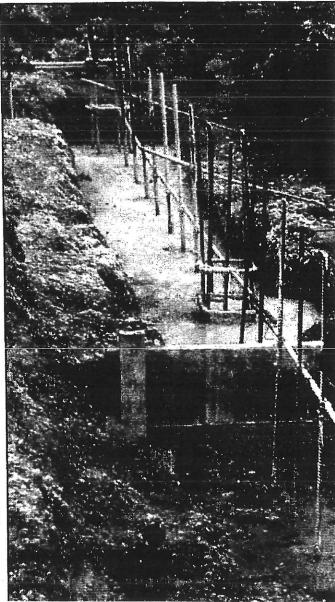
A cause for concern for residents of Fall River and Severy, the landfill issue will likely extend to Wilson Countians as well.

Several Fall River and Severy residents met today with Greenwood County commissioners to collect information, and to urge the county to consider one of several sites in Greenwood County away from a major water source.

Fredonia and Neodesha's involvement should lie in the fact that residents in those cities are

the first users of water from Fal River. The possibility of pollu tion from household waste in the headwaters of the river should be a major concern. Both Fredonia and Neodesha process water for rural water districts in Wilson and Greenwood counties

At a meeting of more than a dozen Fall River area residents Sunday, it was reported that leg islation was to be introduced in Kansas Legislature to shorter the distance from a water source (presently one mile) to accommodate proposed landfill locations. The Fall River -Severy group wanted to get hard information today from Greenwood county commissioners, then plan their next move. They hope that Fredonia and Neodesha will lend support to the effort.



This letter is submitted as record of my concern and protest over the request for an exemption, filed by the Greenwood County Commissioners, asking to allow a waste site to be placed near the Severy water facility. As a citizen of the Severy community, along with many others, I do not feel we have had the best interest for the people or the land represented by this petition. We are asking that you consider the welfare of this group of people, health issues as well as the heritage of their land. There is no validation to any amount of money or revenue to be made at this expense.

Submitted by:

Cole Conard Rural Route Severy, Kansas 67137

Senate Energy & Natural Resources

Attachment: 8

Date: 2-11-99 8-/

our Hedrick This was collected EmAsine Hedrich in 12 dage. We the people of Severy and surrounding area do not want a reginal landfill in our area. The names of concerned citizens on this petition do not want a land fill in the Severy area. ie XIel sur Tal whittaker Hay Beering Vickie Little Eyelyn Coble Vera Mai Conard ly M. Wavis Klase Chelver) by J. Juge Yam tokee Cheever Rachel + Stephen Harrod Omillo Lo Chiffee Senate Energy & Natural Resources Attachment: Date: 2 - 11 - 99

We the people of Severy and surrounding area do not want a reginal landfill in our area. The names of concerned citizens on this petition do not want a land fill in the Severy area. O. Avalos - Mexican Restruent owner. Danners Camuon Karly Cornett atherine Cornett Joseph Brown Lewis, -ARNP

9-2

citizens on this petition do not want a land fill in the Severy area Donale a Char Severy Rs. Kelen Talia Lerro Severy Ks. Roberts Cable Surey, Ks. Gary Barg Leresa Bara Eurika KS Thristal Taliakeno birand, K Howard PR Erm Smith Doward KS Kan Kelly Genola, 715 ureka, Ks. Queke KS Severy , KS Timbre Manpula Elwin Robert

We the people of Severy and surrounding area do not want a reginal landfill in our area. The names of concerned

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John William A. Courter

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Randy Ware
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Dunce Wwelerlich
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We the people of Severy and surrounding area do not want a reginal landfill in our area. The names of concerned citizens on this petition do not want a land fill in the Severy area.

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9-11

This letter is submitted as record of my concern and protest over the request for an exemption, filed by the Greenwood County Commissioners, asking to allow a waste site to be placed near the Severy water facility. As a citizen of the Severy community, along with many others, I do not feel we have had the best interest for the people or the land represented by this petition. We are asking that you consider the welfare of this group of people, health issues as well as the heritage of their land. There is no validation to any amount of money or revenue to be made at this expense.

Submitted by:

Tom Eubank P. O. Box 203 Severy, KS 67137

Senate Energy & Natural Resources

Attachment: /O

Date: 2 - 11 - 99 10-1