

MINUTES OF THE HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 9:00 a.m. on March 11, 2011, in Room 783 in the Docking State Office Building.

All members were present except:

Representative Rocky Fund – Excused
Representative Charlotte O'Hara – Excused
Representative Michael Peterson – Excused
Representative Caryn Tyson - Excused

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Michael Wales, Kansas Legislative Research Department
Kay Scarlett, Committee Assistant

Conferees appearing before the Committee:

Bill Bider, Director, Bureau of Waste Management, Kansas Department of Health & Environment

Others attending:

See attached list.

Hearing on SB 188 – Amending the exemptions from a solid waste permit.

Chairman Powell opened the hearing on **SB 188**. Sean Ostrow, Office of the Revisor of Statutes, explained that this bill would change existing law to expand the Kansas Department of Health and Environment's authority to approve the disposal of the demolition waste of buildings or structures at, adjacent to, or near the site of the building or structure without requiring a solid waste permit. The bill also would add additional evaluation criteria that the Secretary of KDHE must consider when determining whether to approve a request for off-site disposal of demolition waste.

Bill Bider, Director, Bureau of Waste Management, Kansas Department of Health & Environment, appeared in support of **SB 188** that would modify the building demolition category to add the authorization to bury waste some reasonable distance away from the demolition site. He explained that over the past two years several small communities in western Kansas have contacted KDHE requesting permission to dispose of inert building demolition waste at sites located just outside of town. KDHE's existing authority to approve on-site burial of waste is not practical because of space limitations and redevelopment plans. He stated that additional evaluation criteria were added to ensure that this new authority is not abused. Additional factors to be considered by KDHE when reviewing requests include: (1) public safety concerns; (2) proposed plans to redevelop the demolition site; and (3) the disposal capacity of any nearby landfills. (Attachment 1)

Continuation of discussion and action on HB 2357 – Arkansas River Gaging Fund.

Sean Ostrow, Office of the Revisor of Statutes, presented and explained new language for **HB 2357** containing both Representative O'Hara's passed amendment on page 1, lines 8 and 30-32, and Representative Moxley's proposed amendment on page 1, lines 9-21. (Attachment 2) Representative Moxley's amendment, seconded by Representative Brookens, passed.

Representative Moxley moved to recommend **HB 2357**, as amended, favorably for passage. Seconded by Representative Wetta, the motion carried.

Discussion and action on SB 124 – Concerning the Kansas Water Office; relating to water supply storage access and creating the lower smoky hill water supply access program.

Representative Brookens moved to recommend **SB 124** favorably for passage. The motion was seconded by Representative Arpke.

The revisor reviewed several technical amendments to **SB 124**. Representative Arpke, seconded by Representative Brookens, moved to make the technical changes. The motion carried.

CONTINUATION SHEET

The minutes of the House Agriculture & Natural Resources Committee at 9:00 a.m. on March 11, 2011, in Room 783 of the Docking State Office Building.

Representative Brookens moved to recommend **SB 124**, as amended, favorably for passage. Seconded by Representative Arpke, the motion passed.

The meeting adjourned at 9:40 a.m. The next meeting of the House Agriculture & Natural Resources Committee is on call for March 15, 2011.

HOUSE AG & NATURAL RESOURCES COMMITTEE
GUEST LIST

DATE: MARCH 11, 2011

[illegible]



Testimony on Senate Bill 188

**Presented to
House Agriculture and Natural Resources Committee
by
Bill Bider
Director, Bureau of Waste Management**

March 11, 2011

Mr. Chairman and members of the committee, my name is Bill Bider. I am the director of KDHE's Bureau of Waste Management. We appreciate this opportunity to provide testimony in support of Senate Bill 188 which will authorize our department to approve of certain solid waste disposal activities without a permit issued by the department. More specifically, the change proposed to K.S.A. 65-3407c will allow KDHE to approve of the disposal of building demolition waste at locations "adjacent to or near" the building demolition site. Existing law already allows the department to approve of disposal at the demolition site if certain conditions are satisfied.

Why is this change to the law needed? Over the past two years, several small communities in western Kansas have contacted KDHE requesting permission to dispose of inert building demolition waste at sites located just outside of town. The buildings to be demolished have included condemned structures that present safety and aesthetic concerns. Some requests have more generally related to a city's goal to improve and redevelop their downtown area. Our existing authority to approve of the on-site burial of waste is not practical because of space limitations and redevelopment plans. Also, disposal in existing permitted landfills has been impractical due to various reasons including the distance to the landfills, the capacity of the landfills, and the cost of disposal. Despite these factors, KDHE has had to deny the requests because existing law requires disposal of such waste in a permitted landfill unless the waste is buried at the demolition site.

The existing section of law identifies seven sources of waste that are eligible for disposal without a permit and the factors that KDHE should consider when reviewing such requests. The building demolition category is proposed for modification to add the authorization to bury the waste some reasonable distance away from the demolition site. Also, some additional evaluation criteria are added to ensure that this new authority is not abused. Additional factors to be considered by KDHE when reviewing requests include: (1) public safety concerns, (2) proposed plans to redevelop the demolition site, and (3) the disposal capacity of any nearby landfills. The existing criteria already allow KDHE to consider the cost of alternative disposal methods.

We believe this change to the law will significantly benefit small town redevelopment and minimize small town expenditures without impacting private landfill business practices.

I would be happy to answer any questions.

HOUSE BILL No. 2357

By Committee on Appropriations

2-18

AN ACT creating the Arkansas river gaging fund.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) (1) There is hereby established in the state treasury the Arkansas river gaging fund, which shall be administered by the secretary of agriculture. All expenditures from the Arkansas river gaging fund shall be for the operation and maintenance of the gages along the Arkansas river necessary to manage the river under the Kansas-Colorado Arkansas river compact, except that, after all expenditures are made during the fiscal year for the operation and maintenance of the gages along the Arkansas river necessary to manage the river under the Arkansas river compact, then, in accordance with the following priorities and subject to the expenditure limitations prescribed therefor:

(A) First, any remaining moneys authorized to be expended from the fund for the fiscal year shall be expended for the purposes of livestock market reporting in an amount not to exceed \$20,000 in a fiscal year; and

(B) second, if there are any remaining moneys authorized to be expended from the fund for the fiscal year after the expenditures for livestock market reporting, then expenditures shall be made from the fund for the purpose of funding the blue stem pasture report in an amount not to exceed \$5,000.

(2) All expenditures from the Arkansas river gaging fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or the designee of the secretary of agriculture.

(b) All moneys received as royalties from the state's oil and gas leases in Hamilton, Kearny, Finney, Gray and Ford counties shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Arkansas river gaging fund. When the total amount of royalties deposited in the fund is equal to or exceeds \$75,000, the secretary shall not credit any further moneys to the fund.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.