

**Proponent Testimony on HB 2064
House Committee on Agriculture and Natural Resources**

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Good afternoon and thank you Chairman Rahjes and members of the committee for the opportunity to provide testimony in support of HB 2064. I am Joseph Dom, and I am the Director for the Bureau of Waste Management with the Department of Health and Environment. HB 2064 would remove the current solid waste permit exception for the disposal of solid waste generated by oil and gas well drilling through the practice of land-spreading by striking K.S.A. 65-3407c(a)(8). This revocation was drafted in consultation with the Kansas Corporation Commission.

K.S.A. 65-3407c(a)(8) was enacted in 2012 and allows disposal of solid waste generated by drilling oil and gas wells through land-spreading. The wastes eligible for land-spreading are the water-based drilling mud and cuttings generated during the drilling of oil and gas wells. Produced saltwater brines, fracking fluids, petroleum-based drilling waste or produced petroleum products are not eligible for land-spreading under this statute and are disposed of through alternate methods.

KDHE developed an agreement with the KCC to administer the program, monitor compliance, and establish mechanisms for enforcement and remedial action. The land-spreading would be done in accordance with best management practices and maximum loading rates developed by KDHE. The KCC is required to present an annual report on the costs associated with the regulation of drilling-waste land spreading to the Senate Committee on Agriculture and Natural Resources, the Senate Committee on Ways and Means, the House Committee on Agriculture and Natural Resources, and the House Committee on Appropriations. The last application under subsection (a)(8), however, was received in May 2013 to spread water-based drilling waste from two wells in Rice County. No applications have been received since 2013.

During review of current regulations in accordance with K.S.A. 77-440(b)(1), KDHE reviewed the regulations prepared in support of K.S.A. 65-3407c(a)(8). The regulations did not meet the criteria specified during the regulatory review for revocation because of the statute; however, it did initiate consultation between KDHE and

the KCC to determine if the land spreading without a permit exemption remained necessary. Due to changes in exploration and production of oil and gas, and industry practices for handling and disposal of drilling wastes, the land-spreading option is not and has not been in active use. Therefore, it is recommended that the statute and associated regulations governing the land-spreading without a permit be rescinded.

Thank you for the opportunity to provide testimony in favor of this bill. I welcome any questions you may have.