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To: Joint Committee on Energy and Environmental Policy

From: Abigail Boudewyns, Fiscal Analyst

Re: Local Environmental Protection Program

Background

The Local Environmental Protection Program (LEPP) was statutorily created by the 1989 Legislature and began January 1, 1990. The LEPP statute¹ states the State of Kansas shall provide state environmental protection grants to local health departments or other local entities for the purpose of developing and implementing environmental protection plans and programs.

A local environmental protection plan is a document revised annually that includes objectives and plans for implementing the environmental protection strategy of the State Water Plan. An environmental protection plan should include, but is not limited to, the sanitary code, subdivision water and wastewater plan, solid waste management plan, hazardous waste management plan, public water supply protection plan, and nonpoint source pollution control plan. Once developed or revised, the local entity annually submits the environmental protection plan to the Kansas Department of Health and Environment (KDHE) for approval. After the plan is found to be consistent with the environmental protection strategy of the State Water Plan, KDHE administers base grants to local entities with the requirement that they provide certain core and supplemental program components. Core components include:

- Development and implementation of an annual environmental protection plan;
- Development, implementation, and enforcement of an environmental code which establishes standards for the management of domestic sewage on-site wastewater systems;
- Development, implementation, and enforcement of an environmental code which establishes standards for the management of private water supply wells;
- Information, education, and technical assistance; and
- Organization of a local environmental protection committee to provide advice and counsel to the local entity on the local environmental protection plan.

¹ KSA 75-5657

Supplemental program components include the development and implementation of plans for the following:

- Subdivision water and wastewater;
- Solid waste management;
- Hazardous waste management;
- Nonpoint source pollution control; and
- Public water supply protection.

Program Funding

State funding for the program has historically been entirely from the State Water Plan Fund, except for FY 2012 which was funded through the State General Fund. A total of \$34.2 million has been paid to counties through grants since the program began in 1990. Counties receiving a base grant under \$23,000 are required to provide a participant's local match of 10.0 percent. Counties receiving between \$23,000 and \$55,000 are required to provide a 20.0 percent match; in FY 2012, five counties were required to provide a 20.0 percent match. Four more counties received a base grant in excess of \$55,000 and, therefore, were required to provide a 30.0 percent match.

Grants are awarded to counties under a formula based on county population. Counties with populations less than 12,727 receive a \$7,000 grant. Counties with populations greater than 227,273 receive a \$125,000 grant. All other counties receive a grant in the amount of \$0.55 multiplied by the county population. Rules and regulations have been established that if the program is not fully funded, each program is awarded a proportionally reduced grant. In FY 2012, 101 counties received base grants; 44 single county programs and 8 multi-county programs. Chase, Chautauqua, Seward, and Stevens did not participate in the program. Funds remaining after base grants have been awarded are used as target grants to perform specific projects, or to purchase equipment and supplies that cannot be acquired with base grant funds.

According to *Volume 1 of the FY 2012 Governor's Budget Report*, the Local Environmental Protection Program (LEPP) was established with State Water Plan funding in 1989 to provide funding to counties to develop environmental protection plans to meet local needs; once those plans were adopted, the funding was to be discontinued. The Governor recommended funding for the program be eliminated in FY 2012. The Legislature added \$750,000 for LEPP in FY 2012, which was not vetoed. The following year, the Governor recommended funding for the program be eliminated for FY 2013. The Legislature added \$800,000 for LEPP in FY 2013, which subsequently was vetoed by the Governor.

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