

REVISED
SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 375

As Amended by Senate Committee on Natural
Resources

Brief*

SB 375 would amend KSA 65-3407(c), which provides for the Secretary of the Kansas Department of Health and Environment (KDHE) to authorize persons to carry out activities without a solid waste permit, which includes allowing the disposal of solid waste generated by drilling oil and gas wells through land-spreading. The land-spreading would be done in accordance with best management practices and maximum loading rates developed by the Secretary. For areas that receive more than 25 inches of precipitation annually, the disposal of solid waste through land-spreading would be required to be incorporated into the soil. Additionally, no land-spreading would be allowed to occur on any area where the water table is less than ten feet below the surface, or on an area where there is documented groundwater contamination, as determined by KDHE.

For each land-spreading location, an application would be filed in the Secretary's office and contain the location, soil characteristics, waste characteristics, waste volumes, drilling mud additives, and land-spreading method to be used on the land. A fee of \$250 would be assessed for each application. A land-spreading application would not be approved for the same location unless a minimum of three years had passed since the previous land-spreading occurred on that location. Additionally, a post-land-spreading report would need to be filed once the land-spreading had been completed.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Secretary of KDHE would enter into an agreement with the Kansas Corporation Commission (KCC) to administer the program, monitor compliance, and establish mechanisms for enforcement and remedial action. In addition, the KCC would be required to present a report on or before January 30, 2013, and January 30, 2014, on the costs associated with the regulation of land-spreading. The report would be presented to the Senate Committee on Natural Resources, the Senate Committee on Ways and Means, the House Committee on Agriculture and Natural Resources; and the House Committee on Appropriations.

The bill would be in effect upon publication in the *Kansas Register*.

Background

SB 375 was introduced in anticipation of the increased horizontal drilling activity expected in Kansas. Proponents of SB 375 included Bill Bider, Director, Bureau of Waste Management, KDHE; and Doug Lewis, Director, Conservation Division, KCC. KDHE's testimony established the best management practices and maximum loading rates were already in place at the Department based on chloride levels and had been developed in consultation with Kansas State University. The maximum loading rate would be 900 parts per million, or a maximum application of two inches, with land-spreading not to be allowed on land that had a base load rate of approximately 500 parts per million. Additionally, the Department would look at irrigation water for the location to make sure irrigation water would not be adding chlorides to the field. Land-spreading would not be allowed if chloride levels in irrigation water were over 300 parts per million. Established best management practices include having adequate buffer zones and taking into account property lines, slope of land, waterways, and the drainage of the land. The activity could not have any runoff from the location or it would risk applicability of the water laws and regulations.

The KCC testified the Conservation Division within the

KCC had the manpower to manage the program and perform the necessary inspections. The KCC also noted the large amount of waste horizontal drilling creates, which is often twice as much as a vertical well. Both proponents noted other states had switched to land-spreading as a more optimal method of dealing with the large quantities of waste, with the traditional methods being a large earthen pit or hauling the waste to a landfill site which would accept it.

No neutrals or opponents provided testimony.

The Senate Committee added several amendments to the bill, which included:

- Updating language that describes the solid waste generated by drilling oil and gas wells;
- Adding language which states, for any area that annually receives more than 25 inches of precipitation, as determined by KDHE, the solid waste disposed of by land-spreading shall be incorporated into the soil. No land-spreading may occur on any area where the water table is less than ten feet or on any area where there is documented groundwater contamination, as determined by KDHE;
- Including "drilling mud additives" as part of the content required on an application to KDHE for land-spreading;
- Requiring the KCC to present a report on the costs associated with the regulation of land-spreading to various committees;
- Changing the effective date to upon publication in the *Kansas Register*, and
- Other technical amendments.

The fiscal note on the bill was not available at the time of the Senate Committee hearing.