

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Senator Robert Tyson at 8:31 a.m. on January 31, 2003 in Room 423-S of the Capitol.

Members present: Senator Tyson, Senator Taddiken, Senator Lee, Senator Corbin, Senator Downey

Committee staff present: Raney Gilliland, Legislative Research
Lisa Montgomery, Revisor of Statutes
Shannon Stone, Secretary

Conferees appearing before the committee:

Theresa Hodges, Director, Bureau of Environmental Field Services, KDHE
Karl Mueldener, Director, Bureau of Water, KDHE

Others attending: See attached list

The meeting was called to order by Chairman Robert Tyson. There were no bill or resolution introductions.

Theresa Hodges, (Director, Bureau of Environmental Field Services) presented a summary of activities conducted by the Department of Health and Environment to implement K.S.A. 82a-2001 et.seq. (**SB 204**). The report provided a chronology of KDHE's efforts in performing stream flow studies and modeling to determine which streams have a median 1cfs (cubic feet per second) flow or greater. (Attachment 1) United States Geological Survey completed the flow studies and the final report was made available to Committee members. (Attachment 2) Ms. Hodges explained the 4-part test for stream classifications, "use attainability analysis" (UAA), and the 7 designated uses for water as determined by surface water quality standards.

Currently, KDHE is in the process of conducting the triennial review of the surface water quality standards and is holding public meetings across the state to receive input and ideas for revisions to the standards. KDHE will develop regulatory changes in the water quality standards based upon the feedback it receives from these meetings.

Chairman Tyson had questions regarding EPA's readiness to rule on regulations and wanted to know if it was appropriate to use the statutory citation for the definition of a classified stream. (Attachment 3). Mike Tate responded that the EPA can rule on a statute without the specific definition of a classified stream being in a regulation.

Karl Mueldener (Director, Health Environmental Bureau of Water) responded to questions the Committee had concerning present "fecal coliform standards" versus proposed "e-coli standards". He noted that the current standards promote a risk-based approach. The e-coli standard would promote an incidental contact approach. Mr. Mueldener stated that, KDHE is confined to only two categories of water quality classifications: primary contact recreation and secondary contact recreation. The Department is looking

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into the possibility of adding more categories.

Mr. Mueldener continued, to give testimony on the State Revolving Fund (SRF) for Public Water Supplies. The loan program KDHE administers assists local cities in the construction of drinking water infrastructure. The program was enabled through the Safe Drinking Water Act Amendments of 1996. SRF loans do not require temporary financing as payments can be made promptly for eligible costs through the financial design of the reserve account leverage program. The state budget shortfall has not affected this fund because it is not associated with the State General Fund. (Attachment 4)

Senator Downey commended KDHE on the success and fiscal responsibility of the SRF program. Chairman Tyson thanked all guests who appeared before the Committee.

The meeting was adjourned at 9:27.