

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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February 9, 2011

To: House Agriculture and Natural Resources Budget Committee

From: Leah Robinson, Principal Fiscal Analyst

Re: Local Environmental Protection Program

The Local Environmental Protection Program (LEPP) was enacted by the 1989 Legislature and took effect January 1, 1990. KSA 75-5657 contains the statutory provisions regarding the program. The statute provides that the state, through the Kansas Department of Health and Environment (KDHE), is to provide environmental protection grants to local health departments or other local entities for the purpose of developing and implementing environmental protection plans and programs. Under the Governor's FY 2012 recommendation, the Local Environmental Protection Plans program will be discontinued in FY 2012. According to Volume 1 of the *FY 2012 Governor's Budget Report*, the program was established with State Water Plan funding in 1989 to provide funding to counties to develop environmental protection plans to meet local needs, and once those plans were adopted, the funding was to be discontinued.

KDHE administers the Local Environmental Protection Program (LEPP) to local entities for development of a local environmental protection plan. These plans implement the environmental protection strategy of the Kansas Water Plan. An environmental protection plan includes the environmental code (private onsite wastewater code and non-public water well code), subdivision water and wastewater, solid waste management, hazardous waste management, public water supply protection, and nonpoint source pollution control. An information and education program addressing each component is also included in the plan.

According to the agency, through this grant program, financial and technical assistance is provided to counties to assist in establishing and operating programs for environmental and public health protection. This is accomplished by both the prevention of environmental pollution and the abatement of existing sources of pollution.

The program lists the following annual goals for participants:

- Implement Local Environmental Protection Plans;
- Establish and maintain a Local Environmental Protection Committee;
- Develop, implement and enforce an environmental code for onsite wastewater treatment;
- Develop, implement and enforce code for private drinking water wells and supplies;

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- Provide local environmental information, education, and technical assistance;
- Participate in local subdivision water and wastewater programs;
- Promote proper solid and hazardous waste management;
- Participate in local nonpoint source pollution control programs;
- Promote water supply protection;
- Participate in the establishment and implementation of Total Maximum Daily Loads (TMDLs); and
- Where TMDLs have been established, address the impairments.

Program Funding. Funding for the program is entirely from the State Water Plan Fund. The attached table reflects grant funding to each participating program since the program's inception. A total of \$32.5 million has been paid to counties through grants, since the program began in FY 1990.

Under the formula, each eligible county receives a grant 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 so that, in the event the program is not fully funded, each program is awarded a proportionally-reduced grant. During FY 2010, 104 counties received base grants; there were 48 single county programs and eight multi-county groups. In FY 2010, only one county in the state, Chase, did not participate in the program. Funds remaining after awarding base grants are available as target grants and can be used to perform specific projects or to purchase equipment and supplies that cannot be acquired with base grant funds. In FY 2010, base grants for the program were reduced by 29.0 percent, and no funding was available for target grants.

Guidelines for Participation. Counties must adopt environmental codes to be eligible to participate in LEPP. In addition, the codes must be revised to comply with changes in state regulations or address changes in local conditions. LEPP regulations require each LEPP core program include the development, implementation, and enforcement of an environmental code approved by the secretary of KDHE which establishes standards for: the management of on-site wastewater systems for the treatment and disposal of domestic sewage only; and the management of water supply wells which do not meet the definition of a public water supply well pursuant to K.S.A. 65-162a (b).

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LOCAL ENVIRONMENT PROTECTION PROGRAM (LEPP) GRANT HISTORY
FY 1990-FY 2010

County/Program	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	TOTAL	
Allen									19,751	19,751	18,712	18,519	17,862	16,912	14,912	14,912	7,912	7,912	7,912	7,912	5,670	185,649	
Anderson									9,186	9,186	8,703	8,613	8,385	8,038	7,000	7,299	7,000	7,000	7,000	7,000	7,000	5,017	92,427
Barber			35,000	35,000	35,000	55,685	52,218	65,670	55,116	55,116	43,515	8,613	8,385	8,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	5,017	504,335
Barton															17,013	16,649	15,513	15,513	15,513	15,513	11,118	11,118	357,752
Bourbon															8,458	8,458	8,832	10,006	8,458	8,888	6,062	146,957	
Butler-Greenwood Bi-County	19,100	34,015	34,610	37,319	34,819	43,598	43,289	44,490	45,693	45,693	34,586	34,230	35,485	33,715	32,715	32,715	32,715	32,715	32,715	32,715	23,446	382,626	
Butler															42,000	42,000	46,952	43,595	43,800	42,000	30,102	1,279,920	
Central Kansas LEPP	30,103	52,827	66,240	82,487	77,227	90,574	76,799	83,292	76,323	76,323	72,309	71,562	68,892	64,513	42,000	42,000	46,952	43,595	43,800	7,000	7,000	7,000	
Chautauqua																							8,910
Cherokee	7,215	12,262	8,000	7,000	9,415	10,742	8,703	8,945	11,861	11,861	14,615	14,465	14,892	12,433	12,433	12,433	12,433	12,433	12,433	12,433	8,910	220,265	
Coffey																							5,017
Comanche																							5,017
Cowley																							5,017
Crawford																							5,017
Dickinson	6,435	40,784	36,039	19,562	19,562	24,494	27,321	24,997	32,347	25,672	29,321	24,071	25,194	23,471	21,683	21,033	22,734	22,052	21,033	21,848	15,074	498,292	
Douglas	23,595	41,161	42,075	47,952	44,989	56,331	55,932	57,486	66,414	62,039	55,932	57,798	65,855	57,320	54,979	56,160	58,720	54,979	54,979	54,979	39,402	1,109,077	
Elk																							5,017
Ellis																							5,017
Ford																							5,017
Franklin	7,118	12,279	12,375	15,292	12,097	15,146	15,039	17,656	15,875	15,875	15,039	14,884	16,327	13,631	13,631	13,631	13,631	13,631	13,631	7,000	7,000	79,718	
Greenwood																							5,017
Harper (SC Coalition)																							5,017
Harvey	10,010	16,893																					5,017
Haskell																							5,017
Jefferson																							5,017
Johnson																							5,017
Junction City/Geary County	33,088	60,422	60,025	51,837	52,766	64,908	77,226	67,189	68,626	68,026	64,448	64,981	62,537	56,371	50,793	50,371	55,698	52,707	55,698	13,891	9,001	354,415	
Labette	8,255	14,043																					5,017
Leavenworth	19,695	35,615	36,575	35,404	41,404	44,330	50,016	45,239	46,461	46,461	40,016	43,563	51,253	38,780	37,780	38,630	37,780	37,780	37,780	37,780	27,076	833,418	
Linn																							5,017
Lyon-Wabauunsee-Chase	18,408	33,228	33,140	33,103	33,103	41,449	41,155	54,799	50,941	43,441	23,749	23,505	24,474	20,764	22,096	20,924	23,097	19,764	19,764	20,203	14,164	232,504	
Lyon																							5,017
Marion	4,258																						5,017
McPherson	8,970	14,992	14,905	15,197	14,997	18,778	18,645	51,323	22,476	19,681	18,645	18,454	19,470	17,255	16,255	17,105	16,500	16,255	16,255	16,255	11,650	380,063	
Miami																							5,017
Montgomery	13,390	22,653	22,495	21,349	21,349	29,609	26,542	27,279	52,353	28,016	26,542	28,769	26,383	19,939	19,939	19,939	19,939	19,939	19,939	21,622	19,939	503,375	
Morton																							5,017
Neosho																							5,017
Northeast Kansas LEPP	21,994	47,782	47,855	52,306	50,031	65,556	59,301	64,641	76,945	69,445	57,266	61,275	62,330	59,360	114,631	47,360	47,659	37,576	41,646	37,226	26,680	1,148,865	
Northwest Kansas LEPP	43,685	98,000	105,000	112,885	113,541	140,240	149,692	143,104	146,976	146,976	139,248	137,808	134,160	155,000	128,800	112,000	112,000	112,000	112,000	112,000	80,268	2,535,383	
Osage																							5,017
Phillips	17,500	35,000	38,843	42,000	49,000	61,355	67,921	65,681	64,302	64,302	60,921	60,291	58,695	49,000	52,390	49,000	49,354	49,000	49,000	49,085	35,119	1,067,759	
Pottawatomie																							5,017
Pratt	21,223	53,749	35,585	34,314	38,764	48,865	42,661	69,498	59,191	57,431	42,660	46,537	42,684	42,035	37,635	35,635	36,485	35,635	35,635	35,635	25,539	877,396	
Reno	3,640	7,000	7,000	7,000	7,000	8,765	8,703	8,945	9,186	9,186	8,703	8,613	8,385	8,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	5,017	
Rice	21,158	34,449	34,485	36,926	36,926	46,236	45,908	54,334	48,459	48,459	45,908	45,436	41,401	35,564	34,564	37,524	34,836	34,564	34,564	34,564	24,771	811,036	
Riley County/Manhattan																							5,017
Rural Lakes Region																							5,017
Salina-Salina County/Tri-Rivers LEPP	23,250	41,492	41,500	44,515	43,274	60,247	59,820	61,480	63,142	63,142	59,820	64,015	60,464	60,778	58,015	59,337	51,867	51,944	55,713	50,478	36,177	1,110,470	
Sedgwick	127,095	125,000	125,000	136,054	130,780	156,515	155,405	159,722	144,606	154,606	155,405	153,806	149,727	180,000	186,517	126,500	125,000	125,000	125,000	125,000	89,584	2,956,322	
Seward																							5,017
Shawnee	28,635	89,313	90,348	86,883	88,537	107,454	53,537	73,677	107,924	107,924	110,073	108,940	111,911	93,429	93,429	93,429	93,429	93,429	93,429	93,429	66,958	1,886,117	
Southwest Kansas LEPP																							5,017
Stevens																							5,017
Sumner																							5,017
Wabauunsee																							5,017
Wilson																							5,017
Woodson																							5,017
Wyandotte	56,583	95,494	105,040	89,096	89,096	111,559	110,768	152,845	156,922	116,922	110,768	109,628	104,012	87,835	86,835	86,835	87,133	86,835	86,835	86,835	62,233	2,080,109	
TOTAL	\$ 574,403	\$ 1,108,896	\$ 1,288,821	\$ 1,372,237	\$ 1,370,000	\$ 1,795,774	\$ 1,779,189	\$ 1,975,299	\$ 2,005,542	\$ 1,899,653	\$ 1,797,625	\$ 1,799,888	\$ 1,789,764	\$ 1,663,616	\$ 1,674,856	\$ 1,489,901	\$ 1,530,299	\$ 1,502,737	\$ 1,502,737	\$ 1,502,848	\$ 1,066,954	\$ 32,491,039	

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