

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 8, 2001 in Room 231-N of the Capitol.

All members were present except: Representative Tom Sloan - excused

Committee staff present: Emalene Correll, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Mary Torrence, Revisor of Statute's Office
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Tom Gross, Section Chief, Air Monitoring Services Section, KDHE, Bldg. 283, Forbes, Topeka, KS 66620
Bill Bider, Director, Bureau of Waste Management, KDHE, Bldg. 740, Forbes, Topeka, KS 66620
George McGrew, General Council, Deffenbaugh Industries, PO Box 3220, Shawnee, KS 66203
Nick Phillippi, General Manager, Kansasland Tire, PO Box 8479, Topeka, KS 66608
Randy Allen, Exec. Director, KS Assoc. of Counties, 6206 SW 9th Terrace, Topeka, KS 66615

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She welcomed staff members of the Kansas Department of Health and Environment to the committee.

Tom Gross, Section Chief, Air Monitoring Services Section, KDHE, was welcomed. He briefed the committee on the Equus Beds Data Collection in response to the Governor's Executive Order 00-04. The briefing was presented by way of the Internet, with the assistance of Terry Franklin, KDHE. The Equus Beds Information Resource can be accessed at www.equusinfo.org Mr. Gross discussed "what's on the site"; Information about the Equus Beds; Executive Order; Pollution Prevention Programs (Federal, State, and Local); Actual Pollution Sources; and Potential Pollution Sources. Interactive Mapping System was reviewed; Identified Contaminated Sites; Leaking Storage Tank Sites; Oil and Gas Production; Hazardous Material and Petroleum; Solid Waste Facilities; Wastewater Facilities; Confined Animal Feeding Operations; and Federal, State, and Local Government Facilities. (See attachment 1) Questions and discussion followed.

The Chairperson thanked Mr. Gross for the presentation. She opened the hearing on **HB2134**.

HB2134: An act concerning solid waste.

Bill Bider, Director, Bureau of Waste Management, KDHE, was welcomed to the committee. He testified in support of the bill and explained changes that had been made. This bill was drafted and introduced at the request of the Department of Health and Environment and updates several sections of the solid waste statutes. Some changes clarify existing requirements; other changes improve the efficiency and effectiveness of the state regulatory and grant programs. Since initially drafting the bill, KDHE has worked with several interested persons representing businesses and government units to address comments and concerns which they have raised. Some recommended amendments are attached to their testimony to improve the initial proposal. Also presented, but not recommended, an additional amendment which the committee may want to consider to address some concerns raised by private landfill owners. (See attachment 2) A balloon to the bill was distributed for review. (See attachment 3)

George McGrew, General Council, Deffenbaugh Industries, was welcomed to the committee. He presented testimony in opposition to the bill. Deffenbaugh Industries, Inc. has concerns regarding a proposed

CONTINUATION SHEET

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amendment contained in the bill. The amendment seeks to make it unlawful for any person to: (8) Divide, sell, transfer, divest or otherwise encumber any portion of the real property in a permitted solid waste disposal area or solid waste processing facility without receiving prior approval from the secretary (KDHE). In their case, this provision would impact three full quarter sections of land making up their permitted solid waste disposal area. They believe this proposed legislation vests the Kansas Department of Health and Environment with unwarranted control over private business decisions and will result in unreasonable interference with a permittee's ability to make timely decisions regarding its business operations. (See attachment 4) Questions and discussion followed.

Written only testimony in opposition to the bill, from Steve Kearney, Waste Management of Kansas, was distributed to the committee.

Chairperson Freeborn announced that she was appointing a sub-committee to do further research on **HB2134**. The sub-committee members are Representative Bill Light, Representative Dan Thimesch and Chairperson Joann Freeborn. She closed the hearing on **HB2134** and opened the hearing on **HB2131**.

HB2131: An act concerning waste tires.

The Chairperson welcomed Bill Bider, Director, Bureau of Waste Management, KDHE, to the committee. He provided testimony in support of the bill, a waste tire bill drafted and introduced by the department. Most of the proposed amendments to the waste tire statutes proposed in the bill were developed following a public meeting held in May 2000 in Salina. About 100 people representing tire retailers, the waste tire management industry, and local governments provided KDHE with their ideas about how to update the state law to yield an effective long-term state waste tire program. Consensus was reached on most points leading to a comprehensive bill which addresses everything from compliance and enforcement to grants. (See attachment 6) A balloon to the bill was distributed. (See attachment 7) Questions and discussion by committee and committee staff followed.

Nick Phillippi, General Manager, Kansasland Tire, was welcomed to the committee. He addressed the committee on behalf Mid America Tire Dealers Association in support of the bill. They believe tire dealers in Kansas realize a need to address the scrap tire disposal problem, and support all reasonable efforts to remedy this ongoing management issue. The continued mishandling of scrap tires gives their industry a "black eye", and upstanding dealers must compete with those who refuse to play by the rules. This bill, if passed, would maintain a 50 cent excise tax on the sale of new tires instead of changing to 25 cents on July 1, 2001. Their membership is comfortable with maintaining the 50 cent excise tax. They have found that their customers are now accustomed to the charge and rarely object to the nominal expense to help keep the environment clean. Amendments to the bill are attached. (See attachment 8)

Randy Allen, Executive Director, Kansas Association of Counties, was welcomed. He testified in support of the bill. Currently, KDHE finances four major activities using the tire disposal excise tax (currently \$.50). These include (1) the cleanup of illegal tire piles; (2) compliance and enforcement work with regard to waste tire piles; (3) a business and public education program to promote waste tire management; and (4) waste tire recycling grants. Without legislative action, the responsibility for policing waste tire piles would shift from the state to counties. At the KAC annual meeting last fall, the membership unanimously approved a statement urging extension of the state's waste tire fund, continuation of the current excise tax rate of \$.50 after July 1, 2001, and continued placement of responsibility for the waste tire program at the state level. (See attachment 9) Questions and discussion followed.

Written only testimony in opposition to the bill, from Steve Kearney, Waste Management of Kansas, was distributed to the committee.

The Chairperson closed the hearing on **HB2131**. She announced the bill will be put into the sub-committee with **HB2134** for further research. She reviewed the agenda for Tuesday, February 13.

The meeting adjourned at 5:30 p.m. The next meeting is scheduled for Tuesday, February 13, 2001.