Approved: February 22, 2000
Date

## MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on January 27, 2000 in Room 423-S of the Capitol.

All members were present except: Rep. Henry Helgerson - excused

Rep. Douglas Johnston - excused Rep. Melvin Minor - excused

Committee staff present: Raney Gilliland, Kansas Legislative Research Department

Mary Torrence, Revisor of Statute's Office Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Maurice Korphage, Director, Conservation Division, Kansas

Corporation Commission, 130 S. Market Rm. 2078, Wichita,

KS 67202

James J. O'Connell, Kansas Commissioner,

Attorney General Carla Stovall, Kansas Judicial Center, 301

SW 10<sup>th</sup> Room 224, Topeka, KS 66612-1597

Others attending: See Attached Sheet

Vice Chairperson Gerry Ray called the meeting to order at 3:30 p.m. She reminded the committee of the Kansas Water Office open house reception February 2, 3:30 to 5:30 p.m. and also the Kansas Water Authority quarterly meeting to be held at the same location on February 2 and 3.

The Chairperson asked if there were any agency bill requests.

Thomas Day, Legislative Liaison, Kansas Corporation Commission requested a bill that would amend KSA 55-164 to clarify that administrative penalties apply to all KCC rules and regulations and orders. Rep. Vaughn Flora made a motion the bill be introduced. Rep. Tom Sloan seconded the motion. Motion carried.

Kim Gulley, Director of Policy Development & Communications, League of Kansas Municipalities, requested a bill that would codify current policy regarding appointment and operations of basin advisory committees. Rep. Ray Merrick made a motion the bill be introduced.. Rep. Clay Aurand seconded the motion. Motion carried.

William Bider, Director, Bureau Waste Management, Kansas Department Health and Environment, requested a bill that would amend statutes relating to utilization of the solid waste management fund. Rep. Vaughn Flora made a motion the bill be introduced. Rep. Dan Johnson seconded the motion. Motion carried.

William Bider, Director, Bureau Waste Management, Kansas Department Health and Environment, requested a bill that would update waste tire statutes. Rep Dan Johnson made a motion the bill be introduced. Rep. Vaughn Flora seconded the motion. Motion carried.

The Chairperson welcomed Maurice Korphage, Director, Conservation Division, Kansas Corporation Commission. With the use of slides, <u>See attachment 1</u>), Mr. Korphage briefed the committee on the Abandoned Oil and Gas Well Status Report, (<u>See attachment 2</u>) and the Remediation Site Status Report. (<u>See attachment 3</u>) During the 1996 legislative session House Substitute for <u>SB755</u> was passed. As a result of that legislation the Abandoned Oil and Gas Well/Remediation Fund was created for the expressed purpose of providing funding to the Kansas Corporation Commission with which to address the problem of abandoned exploration and production wells located within the state. The legislation requires in part that the Commission prepare and maintain an inventory of all abandoned wells with a special focus on wells which, (1) the State of Kansas has assumed the plugging liability because of the lack of a potentially responsible party (No PRP); and, (2) pose either an ongoing or potential threat to the environment (Priority I). The Commission was further directed to develop and maintain such an inventory on a computer database and report to the office of the Governor and certain legislative committees the status of the inventory as well as the Commission's efforts towards plugging those wells which pose a threat to the public safety and/or environment Also the legislation

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S of the Capitol at 3:30 p.m. on January 27, 2000.

requires that the Kansas Corporation Commission prepare an annual Remediation Site Status Report. This report for the period January 1, 1999 through December 31, 1999 contains information for each of the sites with regard to the following: (1) A description and evaluation of the site; (2) the immediacy of the threat to public health and environment; (3) the level of remediation sought; (4) any unusual problems associated with the investigation or remediation; (5) any remedial efforts completed during the review period; (6) current contaminate level; (7) status of the site; (8) direct and indirect costs associated with remedial efforts; and (9) an estimate of the cost to achieve the recommended level of remediation or an estimate of the cost to conduct an investigation sufficient to determine the cost of remediation. Questions and discussion followed.

The Chairperson welcomed James J. O'Connell, Kansas Commissioner, Central Interstates Low Level Radioactive Waste Compact Commission. Mr. O'Connell gave the committee an update on the Interstate Compact on Low Level Radioactive Waste. (See attachment 4) Kansas participates as a member of a 5-state Compact under the authority of K.S.A. 65-34a01, enacted by the Legislature in 1982 and amended in 1993. Consent of Congress to the Compact was granted in 1986. Its purpose is to provide for disposal of low-level radioactive wastes generated by users of radioactive materials, including power plants, hospitals, universities research facilities and businesses, within the 5-state region. The other four states in the Compact are: Arkansas, Louisiana, Nebraska and Oklahoma.

A site for the development of an initial disposal facility was selected in the late 1980's in Boyd County, Nebraska and an application for a license for the facility was submitted and was deemed complete by the Nebraska Department of Environmental Quality in December, 1991. Over the ensuing years, much local and ultimately statewide opposition developed in Nebraska when the project became an issue in Governor Ben Nelson's campaign for the Governor's office. Candidate Nelson vowed that the facility would never be built and his administration acted consistent with this pledge during his 8 years in office.

In December, 1998, one of the two Nebraska utilities that operate nuclear power plants and all of the owners of nuclear power plants in the other four states filed a lawsuit in the U.S. District Court for Nebraska. In that lawsuit, the State, the agencies involved in the license review and certain individuals were named as defendants, along with the Compact Commission. Nebraska appealed to the 8<sup>th</sup> Circuit Court from the grant of the Preliminary Injunction and oral argument was heard by the Circuit Court on January 10. A decision is expected in 6 to 8 weeks and it is expected to be favorable to the Commission. Questions and discussion followed.

Chairperson Ray welcomed Attorney General Carla Stovall to the committee. The Attorney General gave the committee an update on the water lawsuits, Kansas versus Colorado and Kansas versus Nebraska. She reported that the hearing by the special master on the state's lawsuit against Colorado, for its alleged excessive consumption of water from the Arkansas River, is in progress as she spoke. This part of the lawsuit will determine how much money and water, Kansas will receive from Colorado. The U.S. Supreme Court adopted the special master's findings in 1995 that Colorado was liable for excessive depletion of Arkansas River water flows. The state is seeking approximately \$77 million in damages. Questions and discussion followed.

The Attorney General reported that a special master heard arguments concerning the lawsuit against Nebraska over water flows in the Republican River on January 4. Nebraska has filed a motion to dismiss the case based on its contention that groundwater taken by wells drilled in the Lower Republican basin didn't have anything to do with alleged depletion of water flows in the Republican River. The special master does not feel this case should string out for a long, long time and his decision is expected the end of the month or the first of February. Questions and discussion followed.

The Chairperson thanked the guests for their participation and the committee for their attention. She announced that Tuesday, February 1, will be the last day for bill requests.

The meeting adjourned at 5:20 p.m. The next meeting is scheduled for February 1, 2000.