



Testimony on Senate Bill 124
to
House Agriculture and Natural Resources Committee
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KDHE appreciates this opportunity to provide testimony on Senate Bill 124 that amends K.S.A. 65-3407c related to the disposal of oil and gas drilling waste by land-spreading. In 2012, the Legislature amended this section of law to allow land-spreading as an alternative method of disposal for drill cuttings and mud. This disposal method is widely practiced in Oklahoma and was considered an appropriate method for Kansas as well based upon anticipated large volumes of drilling waste that would be generated as horizontal drilling became more widespread. The changes to state law established certain land-spreading restrictions and standards; however, most of requirements to ensure that water supplies and agricultural property would be protected were to be incorporated into follow-up guidelines and regulations prepared and adopted by KDHE in consultation with the Kansas Corporation Commission (KCC) and other interested parties. The law also specified that KCC would implement the land-spreading regulatory program as part of their drilling permits. Initially, KDHE and KCC were statutorily directed to develop an online land-spreading application procedure to be followed by comprehensive state regulations.

Current law includes a sunset provision for the land-spreading of drilling waste that will go into effect on July 1, 2015. The sunset was established because the initial disposal practice was to be made promptly available to drillers using an online application process that was developed without following the full public participation process that accompanies the adoption of new regulations. While KDHE did seek feedback from interested parties to develop the online application, a more thorough and official process, including a public hearing, was carried out during the follow-up regulation adoption process.

KDHE requested that the sunset provision be removed from the law to allow this method of drilling waste disposal to continue if selected by any drilling company; however, the Senate chose to retain a sunset but delay that date until July 1, 2018. Thus far, land-spreading has only been utilized in two cases in Kansas, both in Rice County; however, certain drilling companies that are active in other states, prefer land-spreading and they may someday expand their business activity in Kansas. KDHE also recommended deleting sections of law that require reports to be submitted to the Legislature by KCC on or before dates that have now passed. The Senate agreed to delete those sections, but added a new annual reporting requirement to summarize any land-spreading activity.

It is noteworthy that KDHE obtained valuable technical assistance from qualified agronomy professors at Kansas State University when developing appropriate soil loading rates when land-spreading this waste. The primary contaminant of concern is chlorides which can be very high in some drill cuttings. Care must be taken to avoid over-application.

I would be happy to answer any questions you may have regarding drilling waste management practices or the specifics of this bill.