



Testimony on Senate Bill 124
Senate Natural Resources Committee

by

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February 11, 2015

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 the requirements needed to ensure that water supplies and agricultural property would be protected would be incorporated into follow-up guidelines and regulations to be 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 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 based upon 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 is requesting 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. The regulations are in place providing adequate protection of Kansas' water and land resources. Thus far, land-spreading has only been utilized in two cases; however, certain drilling companies that are active in other states, prefer land-spreading and they may someday expand their business activity in Kansas.

As part of this bill, KDHE also recommends deleting sections of law that require reports to be submitted to the Legislature by KCC on or before dates that have now passed.

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. The primary contaminant of concern is chlorides which can be very high in some drill cuttings. Care must be taken to avoid over-application and we believe that current regulations now provide necessary protections.

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