Bureau of Air

Consequences of Not Funding this Program

Air program would be implemented by the Environmental Protection Agency in Kansas.

g	Statutory Basis	Mandatory vs.	MOE/Match	Priority
Statutory Basis		<u>Discretionary</u>	Rqt.	Level
General KSA 65-3005, 65-3024		Mandatory	Yes	1

Program Goals

- A. Meet all National Ambient Air Quality Standards (NAAQS)
- B. Conduct air quality compliance inspections
- C. Maintain an air permitting program for the State of Kansas (Average cost per permit)

Program History

In 1985, the Kansas Legislature created the Kansas Asbestos Act to protect citizens and asbestos workers from exposure to this hazardous air pollutant. The Federal Government implemented the Clean Air Act in 1993 and Kansas implemented the Kansas Air Quality Act in 1993.

Performance Measures

Outcome Measures	Goal	FY 2019 Actuals	FY 2020 Actuals	FY 2021 Actuals	FY 2022 Previous Est.	FY 2022 Actuals	FY 2023 Est.	FY 2024 Est.	3- yr. Avg.
Number of Counties in compliance with all NAAQS	А	104	105	105	105	105	105	105	105
2. Conduct air quality inspections	В	672	859	767					
3. Average cost per air permit maintained (\$/# of permits)	С	\$ 5,236	\$ 5,097	\$ 5,079	\$ 7,374	\$ 6,873	\$ 10,644	\$ 7,862	\$ 6,106
Output Measures 4. Percentage of Counties in compliance with all NAAQS	A	99%	100%	100%	100%	100%	100%	100%	100%
Compliance rate for facilities inspected	В	96.4	97.6	99.2	>95	99.8	>95	>95	98.9

Kansas Department of Health and Environment- Division of Environment

Percent of permits issued within required time constraints	С								
1,		97.4%	97.3%	98.4%	>95%	98.2%	>95%	>95%	98.0%
7. Number of permits		N/A	1,278	1,380	1,309	921	930	950	1,222

Funding Source		FY 2019 Actuals	FY 2020 Actuals	FY 2021 Actuals	FY 2022 Approved	FY 2022 Actuals	FY 2023 Est.	FY 2024 Est.	3	3-yr. Avg.
State General Fund		\$ 82,731	\$ 88,531	\$ 86,355	\$ -	\$ -	\$ -	\$ -	\$	43,722
Non-SGF State Funds		4,663,033	4,602,555	4,264,216	7,704,965	3,992,690	7,503,861	5,201,512	\$	5,141,107
Federal Funds		1,945,260	2,343,148	2,095,120	2,249,801	2,337,231	2,395,486	2,267,172	\$	2,256,325
T	otal	\$ 6,691,024	\$7,034,234	\$6,445,691	\$ 9,954,766	\$ 6,329,921	\$ 9,899,347	\$7,468,684	\$	7,441,153
	FTE	38.7	39.0	44.1	43.1	43.1	43.2	43.2		42.3

Bureau of Water

Consequences of Not Funding this Program

Implementation of the Safe Drinking Water Act would revert to the Environmental Protection Agency. KDHE's technical assistance and training would be eliminated. Kansas would lose \$1.1m annually through the Public Water Supply Supervision Grant, and would lose \$8.3-\$16.6m annually from the Capitalization Grant which supports the Drinking Water State Revolving Fund. Public health and the environment could be jeopardized by improperly operated and maintained water supply and water pollution facilities. Implementation of the Clean Water Act would also return to the Environmental Protection Agency, including enforcement which would be a burden on our towns and industry. Most wastewater systems would suffer from lack of training and technical assistance. Approximately six millions dollars annually of federal funding would be lost. Program elimination also eliminates the state's ability to protect water supplies for municipalities, industries, livestock and irrigation and reduce pollutant loadings crossing statelines.

Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
Mandatory	Yes	1
	Discretionary	Discretionary Rqt.

Program Goals

- A. Monitor water quality of Kansas waters to assist in development of water quality standards and total maximum daily loads (TMDLs) and to track environmental changes for water quality improvement.
- B. Provide subsidized financing (low interest loans) for municipal water infrastructure projects through the Kansas State Revolving Fund Programs to return and maintain municipal water and wastewater systems into compliance.
- C. Oversight of public water supply systems, wastewater and stormwater facilities, underground injection control (UIC) wells, and underground hydrocarbon storage (UHS) wells with regards to standards, regulations, and technical assistance (979 public water supply systems, 1853 wastewater facilities, and 3404 stormwater facilities, 73 UIC wells, and 368 UHS wells for a total of 6,677).

Program History

The origins of the Bureau of Water began in 1885 when the first rules and regulations pertaining to protecting water supplies were adopted by the Ks Board of Health (now KDHE). In 1907, the first statute prohibiting unpermitted sewage from entering waters of the state was approved and in 1927 the Kansas Board of Health was charged with preventing pollution found to be a public health or aquatic life threat. In 1933, the Legislature established laws pertaining to pollution prevention from livestock facilities. In 1972 the Federal Water Pollution Control Act was passed by Congress and in 1974 Congress approved the Safe Drinking Water Act. The Kansas Legislature responded in 1974 by creating the Kansas Department of Health and Environment as a cabinet-level agency to implement the two Federal laws as well as the accompanying state statutes.

Performance Measures

Outcome Measures	Goal	FY 2019 Actuals	FY 2020 Actuals	FY 2021 Actuals	FY 2022 Previous Est.	FY 2022 Actuals	FY 2023 Est.	FY 2024 Est.	3- yr. Avg.
1. Number of Water Bodies Restored	Α								
		258	272	272	280	278	278	285	275.5
2. Percent of Water Systems in	В								
Compliance		92.7%	91.1%	92.4%	92.0%	93.0%	93.2%	93.5%	92.1%
3. Regulatory Cost per Permit Issued	С	\$ 1,249	\$ 1,476	\$ 1,397	\$ 1,705	\$ 1,627	\$ 1,701	\$ 1,740	\$ 1,551
Output Measures									
4. Number of Monitoring Sites	Α	443	373	340	390	392	350	375	374
5. Number of New SRF Loans	В	25	25	32	28	34	30	32	30
6. Number of Wastewater Permits	С	283	398	208	300	257	300	325	291

Funding Source			Y 2019 Actuals	FY 2020 Actuals	FY 2021 Actuals		FY 2022 Approved	FY 2022 Actuals	F	Y 2023 Est.	FY 2	2024 Est.	3-yr. Avg.
State General Fund		\$	139,620	\$ 162,514	\$ 148,683	3 \$	106,570	\$ 106,396	\$	109,919	\$	111,004	\$ 131,041
Non-SGF State Funds			3,778,247	4,819,093	5,012,72	3	6,041,484	4,816,399		5,557,405	4	,841,981	\$ 5,172,426
Federal Funds		4	4,422,612	4,871,920	4,164,49	3	5,233,946	 5,940,043		5,690,555	6	6,664,759	\$ 5,052,601
To	otal	\$ 8	3,340,479	\$ 9,853,527	\$ 9,325,902	2 \$	5 11,382,000	\$ 10,862,838	\$	11,357,879	\$ 11	,617,744	\$ 10,356,067
1	FTE		56.0	64.0	63	.8	66.8	66.8		68.8		68.8	65.4

Bureau of Environmental Remediation

Consequences of Not Funding this Program

Contaminated sites or permitted facilities will have or potentially have uncontrolled release of petroleum or hazardous chemicals causing harm to human health and the environment. Increase of human exposure to hazardous materials, petroleum substances and other toxic materials. More involvement of the US Environmental Protection Agency in Kansas.

;	Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
General	Environmental assessment, response and cleanup: K.S.A. 65- 161; 65-171; 65-3453 to 65-3457; 65-34,141 et seq.; 65-34,161 et seq.; 82a-901 et seq.; 42 U.S.C. Chapter 103.	Mandatory	Yes	1
Specific	Petroleum Storage Tank: K.S.A. 65-34,100 to 65- 34,139; 40 U.S.C. Chapter 1.	Mandatory	Yes	1
Specific	Environmental Stewardship and Redevelopment: K.S.A. 65-1,221 et seq.; 65- 34,176 et seq.; 65- 34,177 et seq.; 75-5672. Small Business Liability Relief and Brownfields Revitalization Act - Public Law 107-118 which amends CERCLA.	Mandatory	Yes	1
Specific	Surface Mining: K.S.A. 49-401 to 49-433; 30 U.S.C. Part 700 et seq.	Mandatory	Yes	1

Program Goals

- A. Promote redevelopment of contaminated properties to allow beneficial use of dilapidated or impacted properties
- B. Maximize pollution prevention measures to prevent release of stored chemicals
- C. Improve environmental health conditions for Kansans through contaminated site assessment, response and cleanup

Program History

Current configuration of the bureau was formed in response to the passage of the federal Comprehensive Environmental Response, Compensation and Liability Act (Superfund).

Performance Measures

		FY 2019	FY 2020	FY 2021	FY 2022	FY 2022			3- yr. Avg.
Outcome Measures	Goal	Actuals	Actuals	Actuals	Previous Est.	Actuals	FY 2023 Est.	FY 2024 Est.	·
# of acres available for new redevelopment and improvement of contaminated and potentially contaminated properties. (CELR, Brownfield, Storage Tanks)	A								
	_	1,013	957	619	460	460	500	500	624
 # of regulated facilities where pollution prevention measures are in place to prevent future contamination and impacts to human health and the environment. (Storage Tank, Dry Cleaners and Coal) 	В								
Glodificio dila Godi,		15,093	14,849	14,843	14,842	14,951	1,490	1,490	14,871
3. Cost of oversight for contaminated sites where imminent and substantial threats to public health and the environment were removed or mitigated in a timely and adequate manner. (Cost/site)	С	\$ 16,167	\$ 18,546	\$ 15,582	\$ 13,910	\$ 30,994	\$ 14,804	\$ 14,876	\$ 19,758
		Ψ 10,107	ψ 10,040	Ψ 10,002	Ψ 10,010	Ψ 00,00-1	Ψ 14,004	Ψ 14,070	Ψ 10,700
Output Measures									
4. # of CELR's issued per year	Α	649	244	181	100	46	75	75	143
5. # of Brownfields Targeted Assessments completed for local government and non-profit organizations/ year	Α	54	41	63	45	45	45	45	49
6. # of Facilities with Tank UST upgrades - single-wall to double-wall program	Α		41		- 40	40			49
· =		4	4	4	5	1	4	4	4

7. # of Facilities with UST tank removals in the redevelopment program - abandoned tank removal	А	9	16	7	15	3	5	5	10
8. # of Aboveground storage tanks registered	В	9,500	9,267	9,274	9,280	9,380	9,400	9,420	9,300
9. # of Underground storage tanks permitted	В	5,524	5,518	5,505	5,500	5,300	5,490	5,470	5,456
10. # of Dry Cleaner Facilities registered	В	66		61	60				
11. # of Coal mines permitted	В	3	3	3	2	1	1	1	2
12. # of sites with active environmental assessment/cleanup (used to calculate Outcome #3)	С	2,060	2,060	2,060	2,064	2,060	2,050	2,040	2061

Funding Source (In Millions)	FY 2019 Actuals	FY 2020 Actuals	FY 2021 Actuals	FY 2022 Approved	FY 2022 Actuals	FY 2023 Est.	FY 2024 Est.	3-yr. Avg.
State General Fund	\$ 525,755	530,218	\$ 537,010	\$ 381,339 \$	378,831 \$	396,876	\$ 398,728 \$	456,849.5
Non-SGF State Funds	26,396,332	30,923,469	24,142,272	\$ 22,377,466 \$	52,353,072 \$	24,222,946	\$ 24,200,452 \$	32,449,069.8
Federal Funds	6,382,169	6,751,589	7,418,989	\$ 5,952,344 \$	11,116,716 \$	5,727,546	\$ 5,747,021 \$	7,809,909.5
Total	\$ 33,304,256	38,205,276	\$ 32,098,271	\$ 28,711,149 \$	63,848,619 \$	30,347,368	\$ 30,346,201 \$	40,715,829
FTE	86.0	92.6	94.0	94.0	94.0	95.0	95.0	93.7

Bureau of Waste Management

Consequences of Not Funding this Program

The Bureau of Waste Management implements all regulations for solid waste disposal areas and processing facilities, waste tire management, hazardous waste generators and transporters, and hazardous waste treatment, storage and disposal facilities in Kansas. Failure to fund the program would result in no regulatory oversight of solid and hazardous waste management activities in Kansas causing public health and environmental impacts including: illegal dumping; surface and groundwater contamination, and; public safety and nuisance conditions like fires, odors, litter and disease vectors. EPA would implement the hazardous waste programs in Kansas, and KDHE would forfeit about \$1.1 million annually in federal hazardous waste program funding.

	Statutory Basis	Mandatory vs. <u>Discretionary</u>	MOE/Match Rqt.	Priority Level
General	K.S.A. 65-3401 et seq.	Mandatory	No	1
General	K.S.A. 65-3430 et seq.	Mandatory	Yes	1

Program Goals

- A. Review active and closed solid waste landfill groundwater monitoring reports in a timely manner in order to coordinate response actions at landfills where off-site grounwater contamination is detected above the regulatory limit.
- B. Maintain a compliance rate of 90% or higher among permitted solid waste facilities and hazardous waste generators by conducting routine inspections and providing compliance assistance and operator training.
- C. Oversee the regulation of all hazardous and solid waste facilities in Kansas in accordance with the authorizing statutes. The unit cost was estimated by dividing the total number of facilities subject to regulations by the total program funding budgeted for each state fiscal year.

Program History

The KDHE is the only state agency to implement the solid and hazardous waste programs authorized by the statutes referenced above. The Kansas Solid Waste Management Act was adopted in 1970. Key revisions occurred when KDHE sought approval from the United States Environmental Protection Agency to administer federal solid waste rules promulgated under the Resource Conservation and Recovery Act (RCRA) in 1993,1996 and 2009. The Solid Waste Program regulates solid waste disposal areas and processing facilities and waste tire handling; offers compliance assistance to regulated entities, and; provides financial support and grants to local entities. The Hazardous Waste Management Act was adopted in 1981. Key revisions occurred when KDHE sought approval to administer federal rules in 1985 and 2013. Under the hazardous waste program KDHE regulates generators of hazarous waste and permits facilities that treat, store and/or dispose hazardous waste to ensure proper cradle-to-grave management.

Performance Measures

Outcome Measures	Goal	FY 2019 Actuals	FY 2020 Actuals	FY 2021 Actuals	FY 2022 Previous Est.	FY 2022 Actuals	FY 2023 Est.	FY 2024 Est.	3- yr. Avg.
Number of landfills where offsite groundwater contaminant levels exceed the regulatory standard.	А	7	7	16	17	17	17	17	14
2. Percent (%) of facilities in compliance.	В	97%	95%	99%					98%
Cost of regulatory oversight per regulated facility.	С	\$ 2,341	\$ 2,598	\$ 2,536	\$ 2,454	\$ 2,438	\$ 2,831	\$ 2,846	2,507
Output Measures 4. Landfill groundwater monitoring reports reviewed.	А	190	190	180	190	190	190	190	188
5. Inspection reports reviewed for potential enforcement due to non-compliance.	В	524	205	400	500	500	450	450	
6. Total number of solid and	С	521	385	498	500	509	450	450	473
hazardous waste facilities regulated.		2,502	2,396	2,437	2,655	2,598	2,477	2,477	2,522

Funding Source		FY 2019 Actuals	FY 2020 Actuals	FY 202 Actual		FY 2022 Approved		FY 2022 Actuals	FY 2023 Es	t. F	Y 2024 Est.	3-yr. Avg.
State General Fund		\$ -	\$ -	\$	-	\$ -	\$	-	\$	- {	5 -	\$ -
Non-SGF State Funds		5,069,531	 5,368,879	5,326	,782	5,677,460		5,340,088	6,090,03)	6,121,975	\$ 5,428,302
Federal Funds		788,708	 856,867	854	,987	839,946		995,493	922,49	3	927,969	\$ 886,823
	Total	\$ 5,858,239	\$ 6,225,746	\$ 6,181,	769	\$ 6,517,406	\$	6,335,581	\$ 7,012,52	3 \$	\$ 7,049,944	\$ 6,315,126
	FTE	39.0	42.0		43.0	44.0)	44.0	44	.0	44.0	43.3

Environmental Field Services

Consequences of Not Funding this Program

Implementation of all environmental programs would revert to the Environmental Protection Agency and funds for aid to locals would be curtailed.

;	Statutory Basis	Mandatory vs.	MOE/Match Rqt.	Priority Level
General	Statutory mandates as required of the four other Division of Environment programs (Air, Water, Waste Management, Environmental Remediation).	Mandatory	Yes	1
General	K.S.A. 65-166a; K.S.A 65-171d; K.S.A. 65- 1,179-1,199;	Mandatory	Yes	1
General	K.S.A. 65-171g-h; 33 U.S.C. 319, 401, 404.	Mandatory	Yes	1

Program Goals

- A. Conduct compliance inspections/complaint investigations/spill responses
- B. Issue permits for confined animal feeding operations
- C. Reduce non-point source pollution

Program History

In SFY 2018, the program was re-aligned to include the Livestock Waste Section and the Watershed Management Section, which allows field based programs to better work together. Total budget for this program includes significant amount of funding (state and federal) that is passed through as aid to locals.

Performance Measures

Outcome Measures	Goal	FY 2019 Actuals	FY 2020 Actuals	FY 2021 Actuals	FY 2022 Previous Est.	FY 2022 Actuals	FY 2023 Est.	FY 2024 Est.	3- yr. Avg.
1. % of Compliance inspections/complaints/ spill	A	67%	59%	68%	67%	68%	68%	68%	66%

 % of current National Pollution Discharge Elimination System permit coverage to Confined Animal Feeding Operations of 1,000 animal units or more Dollars per pound of nitrogen reduced from surface water 	В		.05	96% 10.69	95% 9.72		95%	95% \$6.81		96 <u>%</u> 3.90		95% 8.98
Output Magazira												
Output Measures 4. Compliance inspections/complaint	Α											
investigation/spill response		5	047	4,574	4,141	4,	375	4,745	4	,800	4,800	4,459
5. CAFO permits active	В	3	138	3,145	3,179	3,	185	3,192	3	,195	3,195	3,175
# of Watershed Restoration and Protection Strategy projects	С											
established			31	31	31		32	31		31	31	31

Funding Source		FY 2019 Actuals	_	FY 2020 Actuals	FY 2021 Actuals	,	FY 2022 Approved	FY 2022 Actuals	F	Y 2023 Est.	F	Y 2024 Est.	3-yr. Avg.
State General Fund		\$ 1,506,847	\$	1,512,047 \$	1,613,969	\$	1,587,555	\$ 1,570,545	\$	1,663,480	\$	1,666,456	\$ 1,571,029
Non-SGF State Funds		3,595,297		3,903,478	4,064,697		4,487,223	3,752,538		5,766,944		5,493,224	\$ 4,051,984
Federal Funds		4,025,002		6,696,102	5,530,845		5,999,603	4,578,390		6,172,371		6,198,267	\$ 5,701,235
	Total	\$ 9,127,146	\$ 1	12,111,627 \$	11,209,511	\$	12,074,381	\$ 9,901,473	\$	13,602,795	\$	13,357,947	\$ 11,324,248
	FTE	88.0		92.6	93.0		97.0	97.0		97.0		97.0	94.9

Office of Laboratory Services (Kansas Health and Environment Laboratories)

Consequences of Not Funding this Program

Infants could go undiagnosed and experience permanent or life threatening disorders. The public would have greater exposure to viruses and diseases. Outbreaks could go undetected due to no investigative testing capacity. Increase risk and cost to Kansans due to poor water quality and decreased monitoring. Public Water Suppliers would have to find outside laboratories to perform testing and Kansas would have to contract with and designate a Primacy Laboratory or else have the program taken over by EPA. EPA would take over drinking water program, Clinical Testing Labs would not be evaluated for accurate performance, intoxicated drivers would remain on the highways.

;	Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rgt.	Priority Level
General	KSA 75-5608	Mandatory	No	1
Specific	KSA 2000 Supp 65-153f; KSA 65-674; 65-677; KSA 2000 Supp 65-180	Mandatory	No	
Specific	KSA 65-157; KSA 48- 1601 et.seq, Safe Drinking Water Act Primacy Laboratory	Mandatory	No	1
Specific	KSA 65-101, 109a; KSA 65-1,109; KSA 65-1,,425	Mandatory	No	1

Program Goals

- A. Conduct clinical and environmental testing with a high degree of accuracy as measured by performance on proficiency tests.
- B. Maintain staff flexibility and continuity of operations by ensure that staff are cross trained in multiple methods and that each method has multiple staff that can perform it
- C. Process samples for both Clinical and Environmental purposes as measured by number of samples and average price per test. Noting that much of the budget provided in 2020,-2023 includes significant budgets that included pass through equipment, supplies and testing costs.

Program History

History: The first biological and chemical analyses for Public Health and Protection were performed in 1886 at the Kansas Board of Health. In 1907, the Environmental Microbiology laboratory began analyzing water and wastewater for public health as a part of the Division of Sanitation. This was the first lab that would become what is now Kansas Health and Environmental Laboratories (KHEL). When the Kansas Department of Health and Environment was established by legislative action in 1974, the combined health and environmental laboratory was located in the Forbes Field complex. Named in statutes as the Office of Laboratory Services, the Division of Health and Environmental Laboratories became part of the Division of Environment in FY 2007. The total funding shown for the program in FY 2020 through FY 2023 represents COVID funding to support not only the laboratory operations but many supplies and equipment provided to partners throughout the state to fight the COVID 19 Pandemic.

Performance Measures

Outcome Measures	Goal	FY 2019 Actuals	FY 2020 Actuals	FY 2021 Actuals	FY 2022 Previous Est.	FY 2022 Actuals	FY 2023 Est.	FY 2024 Est.	3- yr. Avg.
1. % Accuracy on performance samples	А	98.3%	99.0%	98.7%	99.0%	97.0%	99.0%	99.0%	98.4%
% of staff trained on multiple methods	В	100.0%	92.0%	100.0%	100.0%	86.0%	100.0%	100.0%	94.5%
3. Average cost per test	С	\$ 48.42	\$ 60.22	\$ 337.18	\$ 372.41	\$ 409.73	\$ 344.83	\$ 331.83	\$ 294.89
Output Measures 4. Total Number of Proficiency tests	Α								
performed		1,420	1,589	1,909	1,400	2,024	2,000	2,000	1,731
Total Number of Samples Processed (Clinical and	C								
Environmental)		178,070	205,343	440,325	258,000	381,458	250,000	250,000	321,282

Funding Source		FY 2019 Actuals	FY 2020 Actuals	FY 2021 Actuals	FY 2022 Approved	FY 2022 Actuals	FY 2023 Est.	FY 2024 Est.	3-yr. Avg.
State General Fund		\$ 1,892,539 \$	1,980,376 \$	1,946,037	\$ 1,975,008	\$ 2,234,349	\$ 34,625,545	\$ 1,908,784	2,033,943
Non-SGF State Funds	"	4,184,478	5,365,994	6,700,424	5,508,984	5,777,563	5,769,637	5,724,399	5,838,241
Federal Funds	<u>"</u>	2,544,912	5,019,656	139,820,817	88,372,863	148,283,751	45,812,549	75,324,837	\$ 95,374,272
Т	otal	\$ 8,621,929	\$ 12,366,026 \$	148,467,278	\$ 95,856,855	\$ 156,295,663	\$ 86,207,731	\$ 82,958,020	103,246,456
I	FTE	65.0	66.0	76.0	118.0	118.0	102.0	102.0	94.5