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## TESTIMONY

Date: March 15, 2013

By: Woody Moses, Managing Director  
Kansas Aggregate Producers' Association  
Kansas Ready Mixed Concrete Association

Regarding: House Bill 2363, An act concerning water and permitted activities

Before: The Senate Committee on Natural Resources

Good Morning Mr. Chair and Members of the Committee:

My name is Woody Moses, Managing Director of the Kansas Aggregate Producers' Association and the Kansas Ready Mixed Concrete Association. The Kansas Aggregate Producer's Association (KAPA) and the Kansas Ready Mixed Concrete Association (KRMCA) is a state wide trade association comprised of over 170 members located or conducting operations in all 165 legislative districts in this state, providing basic building materials to all Kansans. I appreciate the opportunity to appear before you today to express our support regarding HB 2363.

HB 2363, introduced at our request, is a bill designed to add a few technical changes to existing law and has no effect on general matters of policy. HB 2363 was heard in the House Agriculture & Natural Resource Committee late last month and after be amended sent to the House floor where it was approved on a 123-0 vote. The bill modifies existing law in the following manner:

**Section 1:** Amends K.S.A. 65-171d the Confined Area Feeding Operations (CAFO) statutes to exempt aggregate operations. This is an exemption that is already granted to sand & gravel operations under K.A.R. 28-16-162 (j) with respect to sand & gravel operations and extends this exemption to other aggregate production operations such as rock crushing. Please note that granting such an exemption does not relieve these operations from regulation as the requirement for NPDES permits and stormwater permits still exist in other statute. It does however relieve

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the industry from the more stringent requirements under the CAFO statues; which in some cases has required our industry to use a clay liner to protect the groundwater from the washing of clay. While providing a clay liner is expensive the associated expenses for engineering and compliance is even more burdensome, threatening the economic viability of many small to medium quarries routinely serving the rural areas of the state.

**Section 2:** Amends K.S.A. 82a-734, the sand & gravel chapter contained within the Kansas Water Appropriations Act to clarify that the project permit authorized in SB 148 passed in the 2012 session applies to all sand & gravel project.

Thank you for your time and consideration, I will be happy to respond to any questions you may have at the appropriate time.