



Date: February 19, 2019

To: Senator Dan Kerschen, Chairman
Senate Agriculture Committee

From: Shahira Stafford, Kansas Cooperative Council

RE: Proponent written testimony on SB 153: KDHE spill reporting, response statutes

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to provide testimony in support of Senate Bill 153. The Kansas Cooperative Council (KCC) is a voluntary trade association representing all forms of member-owned, member-controlled cooperatively structured business in Kansas. Its mission is to promote, support and advance the interests, business success and understanding of agricultural, utility, credit and consumer cooperatives and their members through legislation and regulatory efforts, education, and public relations. Co-ops differ from other businesses because they are member-owned and operate for the mutual benefit of their patrons. In Kansas, co-ops operate in every county, serving over 600,000 members.

The majority of the KCC's members are agricultural cooperatives that cover grain, fertilizer, agronomy, seed, and fuel operations regulated by the Kansas Department of Health and Environment's Bureau of Environmental Remediation. Senate Bill 153 does several things, but most importantly lessens the onerous burden on our members by establishing consistency between state and federal reporting requirements when a water or soil pollutant release has occurred. This will eliminate confusion and help ensure that the industry is complying to the requirements set forth by the KDHE responsibly. Agricultural cooperatives take risk to the human and environmental health of their communities seriously and understand the need for clarifying KDHE's response processes set forth in Senate Bill 153.

The KCC also supports two amendments proposed by the Kansas Grain and Feed Association and Kansas Agribusiness Retailers Association: 1) to clarify language that any penalties assessed for recovery clean-up are the responsibility of the person or entity that caused the release; and 2) to reduce the proposed civil penalty cap by half, from \$10,000 per day to \$5,000 per day.

On behalf of the KCC, we stand in support of the KDHE's proposed regulatory changes to their Spills Program as set forth in Senate Bill 153, in addition to the amendments mentioned above. We respectfully request that when the committee considers the bill, they amend and pass it favorably.

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