

## KDHE, Division of Environment, Bureau of Air

### Consequences of Not Funding this Program

Air program would be implemented by EPA in Kansas.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority 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	FY 2020	FY 2021	3- yr. Avg.	FY 2022	FY 2023
1. Number of Counties in compliance with all NAAQS	A	104	105	105	105	105	105
2. Conduct air quality inspections	B	672	859	767	766	600	600
3. Average cost per air permit maintained (\$/# of permits)	C	\$5,236	\$5,097	\$5,079	\$5,137	\$7,374	\$6,548

### Output Measures

4. Percentage of Counties in compliance with all NAAQS	A	99%	100%	100%	99.70%	100%	100%
5. Compliance rate for facilities inspected	B	96.4	97.6	99.2	97.7	>95	>95
6. Percent of permits issued within required time constraints	C	97.4%	97.3%	98.4%	97.7%	>95%	>95%
7. Number of permits			1,278	1,380	1,269	1,309	1,350

### Funding

Funding Source	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$ 80,788	\$ 82,731	\$ 88,531	\$ 86,355	\$ -	\$ -
Non-SGF State Funds**	\$ 4,310,662	\$ 4,663,033	\$ 4,602,555	\$ 4,264,216	\$ 7,704,965	\$ 6,612,061
Federal Funds	\$ 2,007,129	\$ 1,945,260	\$ 2,343,148	\$ 2,095,120	\$ 2,249,801	\$ 2,227,648
<b>Total</b>	\$ 6,398,579	\$ 6,691,024	\$ 7,034,234	\$ 6,445,691	\$ 9,954,766	\$ 8,839,709

## KDHE, Division of Environment, 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 state lines.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
Specific K.S.A 65-163, et seq K.S.A 65-171d, et seq K.S.A. 65-171m, K.S.A. 55-1117, K.S.A. 82a-1201, et seq	Mandatory	Yes	1

### 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

<i>Outcome Measures</i>	Goal	FY 2019	FY 2020	FY 2021	3- yr. Avg.	FY 2022	FY 2023
1. Number of Water Bodies Restored	A	258	272	272	267.33	280	280
2. Percent of Water Systems in Compliance	B	92.70%	91.10%	92.40%	92%	92%	92%
3. Regulatory Cost per Permit Issued	C	\$1,249	\$1,476	\$1,397	\$1,374	\$ 1,705	\$ 1,432

<i>Output Measures</i>	Goal	FY 2019	FY 2020	FY 2021	3- yr. Avg.	FY 2022	FY 2023
4. Number of Monitoring Sites	A	443	373	340	385.33	390	390
5. Number of New SRF Loans	B	25	25	32	27.33	28	28
6. Number of Wastewater Permits Issued	C	283	398	208	296.00	300	300

### Funding

<i>Funding Source</i>	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$ 572,564	\$ 139,620	\$ 162,518	\$ 148,862	\$ 106,570	\$ 106,525
Non-SGF State Funds	\$ 2,716,080	\$ 1,828,906	\$ 2,344,347	\$ 2,053,133	\$ 3,044,301	\$ 1,959,514
Federal Funds	\$ 6,826,074	\$ 6,371,950	\$ 7,346,668	\$ 7,123,918	\$ 8,231,129	\$ 7,495,763
<b>Total</b>	\$ 10,114,718	\$ 8,340,476	\$ 9,853,533	\$ 9,325,913	\$ 11,382,000	\$ 9,561,802

## KDHE, Division of Environment, 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	No	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

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>3- yr. Avg.</i>	<i>FY 2022</i>	<i>FY 2023</i>
1. # of acres available for new redevelopment and improvement of contaminated and potentially contaminated properties. (CELR, Brownfield, Storage Tanks)	A	1,013	957	619	863	460	460
2. # 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)	B	15,093	14,849	14,843	14,928	14,842	14,840
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)	C	\$ 0.01	\$ 0.01	\$ 0.01	\$ 0.01	\$ 0.01	\$ 0.01

### *Output Measures*

4. # of CELR's issued per year	A	649	244	181	358	100	100
5. # of Brownfields Targeted Assessments completed for local government and non-profit organizations/ year	A	54	41	63	53	45	45
6. # of Facilities with Tank UST upgrades - single-wall to double-wall program	A	4	4	4	4	5	5
7. # of Facilities with UST tank removals in the redevelopment program - abandoned tank removal	A	9	16	7	11	15	15
8. # of Aboveground storage tanks registered	B	9,500	9,267	9,274	9,347	9,280	9,280
9. # of Underground storage tanks permitted	B	5,524	5,518	5,505	5,516	5,500	5,500
10. # of Dry Cleaner Facilities registered	B	66	61	61	63	60	60
11. # of Coal mines permitted	B	3	3	3	3	2	0
12. # of sites with active environmental assessment/cleanup (used to calculate Outcome #3)	C	3,573	3,143	3,046	3,254	3,009	2,907

<b>Funding</b>						
<i>Funding Source (in Millions)</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>
State General Fund	\$ 0.5	\$ 0.5	\$ 0.5	\$ 0.5	\$ 0.4	\$ 0.4
Non-SGF State Funds	\$ 27.1	\$ 26.4	\$ 30.9	\$ 24.1	\$ 22.4	\$ 22.4
Federal Funds	\$ 6.6	\$ 6.4	\$ 6.8	\$ 7.4	\$ 6.0	\$ 6.0
<b>Total</b>	<b>\$ 34.2</b>	<b>\$ 33.3</b>	<b>\$ 38.2</b>	<b>\$ 32.0</b>	<b>\$ 28.8</b>	<b>\$ 28.8</b>

*Fiscal year funding noted above includes large contract encumbrances which substantially increases the Non-SGF and Federal Funds above actual funding*

## KDHE, Division of Environment, Bureau of Waste Management

### Consequences of Not Funding this Program

The Bureau of Waste Management implements all regulations for solid waste landfills 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 there being 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 nuisance conditions. EPA would implement the hazardous waste programs in Kansas.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rgt.	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 to detect contaminants and coordinate response actions at landfills where off-site groundwater contamination is detected above the regulatory limit.

B. Maintain a compliance rate of 90% or higher for routine compliance inspections conducted at permitted solid waste facilities and hazardous waste generators through 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 funding reported 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 entities that generate, treat, store and/or dispose hazardous waste to ensure proper cradle-to-grave management.

### Performance Measures

Outcome Measures	Goal	FY 2019	FY 2020	FY 2021	3-yr. Avg.	FY 2022	FY 2023
1. Number of landfills where offsite groundwater contaminant levels exceed the regulatory standard.	A	7	7	16	10	17	17
2. Percent (%) of facilities in compliance.	B	97%	95%	99%	97%	97%	97%
3. Cost of regulatory oversight per regulated facility.	C	\$ 2,341	\$ 2,598	\$ 2,717	\$ 2,537	\$ 2,455	\$ 2,463

#### Output Measures

4. Landfill groundwater monitoring reports reviewed.	A	190	190	180	187	190	190
5. Inspection reports reviewed for potential enforcement due to non-	B	521	385	498	468	500	500
6. Total number of solid and hazardous waste facilities regulated.	C	2,502	2,396	2,437	2,445	2,655	2,653

### Funding

Funding Source	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-SGF State Funds	\$ 5,220,275	\$ 5,069,531	\$ 5,368,879	\$ 5,326,782	\$ 5,677,460	\$ 5,714,135
Federal Funds	\$ 900,849	\$ 788,708	\$ 856,867	\$ 854,987	\$ 839,946	\$ 820,810
<b>Total</b>	<b>\$ 6,121,124</b>	<b>\$ 5,858,239</b>	<b>\$ 6,225,746</b>	<b>\$ 6,181,769</b>	<b>\$ 6,517,406</b>	<b>\$ 6,534,945</b>

## KDHE, Division of Environment, 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. Discretionary	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	FY 2020	FY 2021	3-yr. Avg.	FY 2022	FY 2023
1. % of Compliance inspections/complaints/ spill response	A	67	59	68	65	67	67
2. % of current National Pollution Discharge Elimination System permit coverage to Confined Animal Feeding Operations of 1,000 animal units or more	B	88	96	95	93	95	95
3. Dollars per pound of nitrogen reduced from surface water	C	\$ 11.05	\$ 10.69	\$ 9.72	\$ 10.49	\$ 8.68	\$ 8.26

#### Output Measures

4. Compliance inspections/complaint investigation/spill response completed	A	5,047	4,574	4,141	4,587	4,375	4,950
5. CAFO permits active	B	3,138	3,145	3,179	3,154	3,185	3,185
6. # of Watershed Restoration and Protection Strategy projects established	C	31	31	31	31	32	32

### Funding

Funding Source	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$ 958,468	\$ 1,506,847	\$ 1,512,047	\$ 1,613,969	\$ 1,587,555	\$ 1,591,635
Non-SGF State Funds	\$ 2,576,234	\$ 3,595,297	\$ 3,903,478	\$ 4,064,697	\$ 4,480,316	\$ 5,318,263
Federal Funds	\$ 3,879,195	\$ 4,025,002	\$ 6,696,102	\$ 5,530,845	\$ 6,006,510	\$ 6,064,899
<b>Total</b>	<b>\$ 7,413,897</b>	<b>\$9,227,146*</b>	<b>\$12,111,597*</b>	<b>\$ 11,209,511</b>	<b>\$ 12,074,381</b>	<b>\$ 12,974,797</b>

\* increase in funds due to federal grant cycle

## Office of Laboratory Services (Kansas Health and Environmental 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 Rqt.	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	1
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	FY 2020	FY 2021	3- yr. Avg.	FY 2022	FY 2023
1. % Accuracy on performance samples	A	98.25%	99.00%	98.65%	98.63%	99.00%	99.00%
2. % of staff trained on multiple methods	B	100%	92%	100%	97.33%	100%	100%
3. Average cost per test	C	\$ 48.42	\$ 60.22	\$ 337.18	\$ 148.61	\$ 372.41	\$ 227.16

#### Output Measures

4. Total Number of Proficiency tests performed	A	1,420	1,589	1,909	1,639	1,400	1,400
5. Total Number of Samples Processed (Clinical and Environmental)	C	178,070	205,343	440,325	274,579	258,000	225,000

### Funding

Funding Source	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
State General Fund	\$ 1,802,511	\$ 1,892,539	\$ 1,980,376	\$ 1,946,037	\$ 2,200,008	\$ 2,087,963
Non-SGF State Funds	\$ 4,471,388	\$ 4,184,478	\$ 5,365,994	\$ 6,700,424	\$ 5,508,984	\$ 5,512,676
Federal Funds	\$ 2,475,871	\$ 2,544,912	\$ 5,019,656	\$ 139,820,817	\$ 88,372,863	\$ 43,510,393
<b>Total</b>	\$ 8,749,770	\$ 8,621,929	\$ 12,366,026	\$ 148,467,278	\$ 96,081,855	\$ 51,111,032