

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Representative Joann Freeborn at 3:30 p.m. on January 28, 2003 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research
 Mary Torrence, Revisor of Statutes
 Mary Ann Graham, Secretary

Conferees appearing before the committee: Theresa Hodges, Director, Bureau of Environmental Field Services, KS Department of Health and Environment, 1000 SW Jackson, Ste 430, Topeka, KS 66612-1367
 Karl Mueldener, Director, Bureau of Water, Division of Environment, KS Department of Health and Environment, 1000 SW Jackson, Ste 420, Topeka, KS 66612-1367

Others attending: See attached sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She reviewed the committee agenda for Thursday, January 30. Professor Wadley, Washburn University School of Law, will review Kansas Water Law.

The Chairperson asked if anyone had a bill request at this time. No one came forward.

Chairperson Freeborn welcomed Theresa Hodges, Director, Bureau of Environmental Field Services, KDHE, to the committee. She presented a summary of activities conducted by the Department to implement KSA 82a-2001. The statute required KDHE to perform two major tasks and to report annually to the Legislature on the progress being made: (1) Evaluate the classification of stream segments against the criteria for classification provided in the statute; and (2) Evaluate the designated uses of classified stream segments. The report provides a chronology of KDHE's efforts. KDHE contracted with United States Geological Survey (USGS) to perform stream flow studies and modeling to determine which streams have a median 1 cfs flow or greater. That work was completed in December and the final report, which was made available to KDHE on January 16, 2003. Of the 2,232 stream segments on the Kansas Surface Water Register, 30% of the segments had an estimated median stream flow of less than 1 cfs when the statutory analysis (most recent 10 years) was used. When the all-available hydrology (AAH) analysis was used, 40% of the stream segments had an estimated median stream flow of less than 1 cfs. An easy way to determine if a stream of interest meets the criteria of a median 1 cfs or greater stream flow is to use the USGS website: www.usgs.gov/Kansas/pubs/press/wrir.02-4292.html

Looking ahead to future tasks, there are several. KDHE is in the process of conducting the triennial review of the surface water quality standards. Seven public meetings have been held across the state to receive input and ideas for revisions to the standards. In addition KDHE has attempted to coordinate the water quality

CONTINUATION SHEET

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efforts by having attended 3 basin advisory committee (BAC) meetings and plan to attend 4 or 5 other BAC meetings to let them know about the review and seek their input. KDHE will now develop regulatory changes in the water quality standards based upon the comments received. The revisions will then go through the regulatory process. KDHE has met all of the deadlines for activities stipulated in the statute. (See attachment 1) Two maps were provided: (1) Median Streamflows using KSA 82a-2001 Criterion and; (2) Median Streamflows using All-Available Hydrology (AAH) (See attachment 2). Committee questions and discussion followed.

The Chairperson welcomed Karl Mueldener, Director, Bureau of Water, Division of Environment, KDHE, to the committee. He gave a review of two State Revolving Funds (SRF's) which KDHE administers to provide financial assistance to municipalities for the construction of water and wastewater infrastructure. Federal grants have provided capitalization grants to the states for the SRF's. All states operate similar funds. The wastewater SRF was authorized federally in 1987 to phase out the EPA Construction Grant Program established in 1972 by the Federal Clean Water Act. The Federal Safe Drinking Water Act was amended in 1996 authorizing a revolving loan fund based on the success of the Clean Water Act SRF for wastewater projects.

Information was provided for Kansas projects receiving SRF loans: (1) Wastewater SRF projects funded since October 1, 2001 and; (2) Drinking water SRF projects funded since July 1, 2001. (See attachment 3) Committee questions and discussion followed.

Chairperson Freeborn thanked Ms. Hodges and Mr. Mueldener for their presentations and the committee and guests for their attention.

The meeting adjourned at 5:05 p.m. The next meeting is scheduled for Thursday, January 30, 2003.