

## **Testimony on SB 153 Changes**

### **Senate Agriculture and Natural Resources Committee**

#### **Leo G Henning, Deputy Secretary and Director of Environment Kansas Department of Health and Environment**

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Chair Kerschen and Members of the Committee, thank you for the opportunity to provide additional information regarding SB 153 and the balloon amendments. SB 153 was heard in the Committee on Agriculture and Natural Resources on February 19, 2019. Following the original testimony, the Kansas Department of Health & Environment (KDHE) and Spill Program stakeholders, including the Kansas Livestock Association and Kansas Grain and Feed Association / Kansas Agribusiness Retailers Association / Renew Kansas Association met to draft an acceptable compromise of the proposed bill language.

The proposed new language has been agreed upon by the stakeholders and KDHE and is detailed in the balloon amendment. The new language revises the definition of “pollutant” to specify that “pollutant” shall not include any animal or crop waste or manure on an agricultural operation or in an agricultural facility. The proposed balloon amendment language also includes an exclusion for normal agricultural activities from the definition of “release”. The “release” exclusion is consistent with the exclusion for agricultural products applied in accordance with the product label or discharges in compliance with a federal or state permit. The proposed exclusion language added to the definitions for “pollutant” and “release” will assure that the crop waste, or residue left during agricultural operations; or certain everyday agricultural practices such as the land application of animal manure will not become regulated activities under this bill.

Testimony received by the Committee from opponents in February 2019 also recommended a reduction to the per-occurrence penalty amount and limitations for continuing violations. KDHE concurs with the proposals submitted by the opponents to reduce the per-occurrence penalty amount \$5,000 with a maximum penalty amount of \$15,000 for continuing violations. The reduced penalty still allows for an actual and financial deterrent to potential violators of the bill.

Thank you for the opportunity to explain the proposed balloon amendment to SB 153. I welcome any questions from the committee.