

MEMORANDUM

TO: SENATOR DOLE  
FR: GREG SCHNACKE  
DA: AUGUST 5, 1993  
RE: HUTCHINSON CLEAN WATER FORUM

S. 265  
Dennis  
Cargen

THE EVENT BEGINS AT 1:30 PM WITH DOYLE RAHJES MAKING 2-3 MINUTES OF INTRODUCTIONS. FORUM CHAIRMAN PAT ROBERTS WILL THEN BEGIN THE CONGRESSIONAL PANEL WITH EACH MEMBER OF THE KANSAS DELEGATION GIVING SOME SORT OF STATEMENT (NO Q & A). AFTER THE MEMBERS SPEAK, THEY WILL IMMEDIATELY MOVE TO A PANEL OF THREE REGULATORS (KDHE, STATE CONSERVATION COMMISSION & USDA-SOIL CONSERVATION SERVICE) WHO WILL SPEAK UP TO 15 MINUTES EACH. FOLLOWING THIS PANEL, THE REMAINDER OF THE PROGRAM ARE 5 MINUTE PRESENTATIONS FROM SOME 17 DIFFERENT GROUPS (YOU WILL PROBABLY MISS THIS, BUT THEY ARE SUPPOSED TO PROVIDE COPIES OF THEIR STATEMENTS THAT YOU CAN TAKE WITH YOU).

KASSEBAUM, SLATTERY, ROBERTS AND YOURSELF ARE CONFIRMED. SPONSORS OF THE FORUM ARE: KANSAS FARM BUREAU, KANSAS LIVESTOCK ASSOCIATION, KANSAS SIERRA CLUB, KANSAS FERTILIZER AND CHEMICAL ASSOCIATION, AND THE KANSAS BANKERS ASSOCIATION (AG BANKERS).

# CLEAN WATER ACT FIELD HEARING

**Holiday Inn/Hollidome  
Hutchinson, Kansas  
August 10, 1993**

- 1:25 p.m. Doyle Rahjes - Call to order, Thank Members, Recognize Sponsors, Turn gavel over to:**
- 1:30 p.m. Hon. Pat Roberts - Convene formal Hearing Opening Statements - Comments MEMBERS (In the order selected by Cong. Roberts.)**
- 1:45 p.m. Panel I**
- \* 2:30 p.m. Panel II**
- \* 2:50 p.m. Panel III**
- \* 3:10 p.m. Panel IV**
- \* 3:30 p.m. Panel V**
- \* 3:50 p.m. Panel VI**
- \* 4:10 p.m. Panel VII**
- 4:25 p.m. Open Mike - One minute statements, questions, comments from floor.**
- 4:30 p.m. ADJOURN**

**\* Except for Panel I -- Regulatory Agencies which administer bulk of Clean Water Act -- the conferees are LIMITED TO 5 MINUTES of oral testimony. After Panel I we show (\*) 20 minutes per panel making allowance for time to move people in and out from conferee table.**

**Clean Water Act Reauthorization**  
**FIELD HEARING**

**Hutchinson, Kansas**  
**August 10, 1993**

Hon. Pat Roberts	1st District
Hon. Jim Slattery	2nd District
Hon. Bob Dole	U.S. Senate
Hon. Nancy Kassebaum	U.S. Senate

**Conferees:**

<b>Panel 1:</b>	Karl Muedener, Director Bureau of Water, KDHE
	Kenneth Kern, Executive Director State Conservation Commission
	Jim Habiger, Director Soil Conservation Service
	Steve Hurst, Director Kansas Water Office

<b>Panel 2:</b>	Bill Cravens Kansas Sierra Club
	Rep. Carl Holmes, Chairman House Energy and Natural Resources Comm.
	Ken Stielow Kansas Livestock Association

**Panel 3 -**

Murray Lull  
Kansas Bankers Association (Production Lending)

Rep. Robert Krehbiel, State Representative District #101  
Pretty Prairie, Kansas

Doyle Rahjes, President  
Kansas Farm Bureau

**Panel 4 -**

Chris McKenzie, Executive Director  
League of Kansas Municipalities

Nancy Spiegel  
Kansas Women Involved In Farm Economics

Richard Jones, Executive Director  
Kansas Association of Conservation Districts

**Panel 5 -**

Mary Fund  
Kansas Rural Center

Craig Meader  
Kansas Bankers Association (Feedlot Financing)

Dean Stoskopf  
Kansas Association of Wheat Growers

David Warren, Director  
Water & Sewer, City of Wichita

**Panel 6 -**

Ed Merkel, Council Member  
Pretty Prairie City Council

Jere White  
Kansas Corn Growers  
Kansas Grain Sorghum Producers

Dwight Haddock  
Associated Milk Producers

**Panel 7 -**

Bill Bryson  
Kansas Corporation Commission

Rick Duncan  
Kansas Rural Water Association

Kenny Nelson  
Kansas Bostwick Irrigation District

STATE OF KANSAS



OFFICE OF THE GOVERNOR

JOAN FINNEY, *Governor*  
State Capitol, 2<sup>nd</sup> Floor  
Topeka, KS 66612-1590

July 22, 1992

913-296-3232  
1-800-432-2487  
TDD# 1-800-992-0152  
FAX# (913) 296-7973

The Honorable Bob Dole  
United States Senate  
141 Hart Senate O.B.  
Washington D. C. 20510

Dear Senator Dole:

I want to bring to your attention a serious problem threatening the state revolving fund assisting municipalities in complying with the Clean Water Act. The Clean Water Act established a state revolving fund (SRF) which provides low interest loans to municipalities for wastewater projects. The SRF is a very successful and popular program in Kansas and the nation. The water quality needs of the program and the demands on Kansas cities are well documented and much work remains.

The wastewater SRF is now in jeopardy for several reasons. The first is the unintentional result of the stimulus package defeat resulting in the SRF appropriation being considered new. Secondly, a revolving loan fund for drinking water programs is now proposed, but at the expense of the existing wastewater SRF.

The existing wastewater SRF is small and does not meet the identified needs. Creating a new drinking water SRF would dilute the existing wastewater program funds resulting in two inadequately funded SRFs. This will slow down progress in both areas. Clearly there is a large need for drinking water systems, but any drinking water SRF should not be established at the expense of the successful wastewater SRF now in place. These two threats are interrelated and I am also concerned that if an SRF is not authorized, \$599 million (of which Kansas receives approximately 1%) will be lost from the Clean Water Act program. Any support you can provide to keep the wastewater SRF fully funded is solicited.

Kansas Department of Health and Environment Secretary Dr. Robert Harder (913/296-0461), and his staff in the Bureau of Water (913/296-5500) work with both water and wastewater systems and can provide your office further information.

Sincerely yours,

A handwritten signature in cursive script that reads "Joan Finney".

Joan Finney

pc: Dr. Robert Harder, Secretary, KS Department of Health and Environment

STATEMENT OF  
SENATOR BOB DOLE  
FEDERAL WATER POLLUTION  
CONTROL ACT  
HUTCHINSON, KANSAS  
AUGUST 10, 1993

THANK YOU ALL FOR INVITING ME AND FOR YOUR EFFORTS TO PUT TOGETHER A MUCH NEEDED FORUM ON A VERY IMPORTANT AND TIMELY SUBJECT -- CLEAN WATER. I COMMEND THE KANSAS FARM BUREAU, THE KANSAS LIVESTOCK ASSOCIATION, THE KANSAS SIERRA CLUB, THE KANSAS FERTILIZER AND CHEMICAL ASSOCIATION AND THE KANSAS BANKERS ASSOCIATION FOR SPONSORING THIS FORUM. I ALSO APPRECIATE THE OTHER OFFICIALS AND PARTICIPANTS WHO HAVE MADE THE TRIP HERE TODAY.

AS WE ALL KNOW, CLEAN WATER LEGISLATION HAS BEEN INTRODUCED IN CONGRESS AND MAY IN FACT BE ACTED UPON LATER THIS YEAR OR EARLY NEXT YEAR. THERE HAS ALREADY BEEN CONSIDERABLE EFFORT IN THE SENATE IN THE ENVIRONMENT AND PUBLIC WORKS COMMITTEE WHERE SENATORS BAUCUS AND CHAFEE, THE CHAIRMAN AND RANKING REPUBLICAN, HAVE INTRODUCED LEGISLATION AND HELD HEARINGS. IT IS MY UNDERSTANDING LEGISLATION HAS NOT BEEN INTRODUCED YET IN THE HOUSE, HOWEVER I WILL LEAVE THAT DISCUSSION TO MY DISTINGUISHED KANSAS COLLEAGUES WHO ARE HERE TODAY.

LET ME SAY AT THE OUTSET THAT I BELIEVE WE ALL AGREE THAT CLEAN WATER IS SOMETHING WE MUST HAVE. CLEAN WATER LEGISLATION WAS ORIGINALLY ENACTED IN 1972 AND AMENDED IN 1977, 1981 AND 1987. THIS LEGISLATION HAS BEEN CREDITED WITH IMPROVING THE QUALITY OF THE NATION'S RIVERS, LAKES AND STREAMS AND BY FAR THE VAST MAJORITY OF THE UNITED STATES' INDUSTRIAL AND MUNICIPAL SOURCES ARE IN SUBSTANTIAL COMPLIANCE WITH DISCHARGE PERMITS UNDER THE ACT.

HOWEVER, THE CLEAN WATER ACT IS NOT WITHOUT ITS CRITICS. I HEAR FROM STATE AND LOCAL GOVERNMENT OFFICIALS ABOUT FEDERAL ENVIRONMENTAL MANDATES STEMMING FROM THE ACT. MANY OF THE ACT'S PROVISIONS ARE EXPENSIVE TO IMPLEMENT AND MANY IN INDUSTRY AND LOCAL GOVERNMENT FIND THEMSELVES BURIED UNDER THE MOUNTAIN OF PAPERWORK REQUIRED TO COMPLY. STORM WATER DISCHARGE PERMITS, WATER QUALITY TESTING IN SMALL COMMUNITIES, AND MANY OTHER SPECIFIC REQUIREMENTS ALL COME WITH A PRICE.

WHILE I HAVE NOT YET DECIDED WHETHER TO SUPPORT THE BAUCUS-CHAFEE LEGISLATION, I WOULD POINT OUT THAT I EXPECT THIS TO BE THE STARTING POINT OF THE DEBATE. THE PARTICIPATION OF ALL OF YOU HERE TODAY IS IMPORTANT TO ME AND THE OTHER MEMBERS OF THE KANSAS DELEGATION AS WE DELIBERATE ON THIS LEGISLATION.

NOW, I WON'T GO OVER EVERY PROVISION OF THE BILL, BUT I WILL DESCRIBE TO YOU WHAT I WILL BE LOOKING FOR WHEN THIS LEGISLATION COMES BEFORE THE SENATE. MANY OF YOU REMEMBER THE CLEAN AIR DEBATE WE HAD IN 1990. UNFORTUNATELY, MANY OF THE PROVISIONS

THAT WERE FIRST PROPOSED WENT WAY BEYOND WHAT WOULD BE CONSIDERED SENSIBLE OR BALANCED TO THE AVERAGE CITIZEN.

THAT, I BELIEVE, IS A KEY TEST WHEN LOOKING AT THIS LEGISLATION --- BALANCE, FAIRNESS, SENSIBILITY. THESE ELEMENTS MUST BE INCORPORATED IN THE UNDERLYING BILL. WITHOUT THEM, I BELIEVE WE WILL FIND OURSELVES LOOKING AT GREATER COSTS, HEAVIER MANDATES AND DECLINING BENEFITS FOR THE EFFORTS EXPENDED TO ACHIEVE CLEAN WATER.

WHILE THE LEGISLATION OFFERS A CARROT TO THE STATES IN THE FORM OF INCREASING THE AUTHORIZED LEVEL OF APPROPRIATIONS TO STATE REVOLVING FUNDS USED TO SUPPORT THE CONSTRUCTION OF PUBLICLY OWNED WASTE TREATMENT PLANTS, I WOULD CAUTION THOSE OF YOU WHO ARE INTERESTED IN THIS LEGISLATION TO LOOK CAREFULLY AT THE NEW REQUIREMENTS THAT WOULD BE IMPOSED FOR WATER QUALITY STANDARDS, TOXIC POLLUTION PREVENTION, MUNICIPAL POLLUTION CONTROL, AND FOR THOSE OF US WHO COME FROM AGRICULTURAL AREAS, NONPOINT SOURCE POLLUTION.

YOU ALSO MAY WANT TO TAKE A LOOK AT THE ENFORCEMENT PROVISIONS TO SEE THE EXPANDED ENFORCEMENT AUTHORITY THE BILL HAS FOR CITIZEN SUITS, PENALTIES, COMPENSATION AND EMERGENCY POWERS FOR THE EPA ADMINISTRATOR. NO DOUBT ABOUT IT, THIS IS A BIG BILL -- A SIGNIFICANT PIECE OF LEGISLATION.

LET ME FOCUS FOR A MINUTE ON THE NONPOINT SOURCE PROVISION. AS I STATED EARLIER, THOSE OF US FROM FARM COUNTRY ARE VERY NERVOUS ABOUT JUST HOW FAR THIS PROVISION COULD GO IN ITS EFFECT ON AGRICULTURAL PRODUCTION METHODS. HOWEVER, I HAVE ALWAYS SAID FARMERS ARE THE PIONEER ENVIRONMENTALISTS. THEY LIVE ON THE LAND AND DRINK THE WATER. THEY ARE NOT GOING TO DESTROY THAT WHICH THEY INHABIT.

MAKE NO MISTAKE ABOUT IT -- THIS LEGISLATION GREATLY EXPANDS THE FEDERAL GOVERNMENT'S ROLE IN WATERSHED PLANNING AND WATER QUALITY ISSUES IN RURAL AREAS. SITE SPECIFIC WATER QUALITY PLANS MAY BE REQUIRED; FUNDS MAY ALSO BE MADE AVAILABLE FOR LAND ACQUISITION OR CONSERVATION EASEMENTS -- SOMETHING THAT I KNOW MANY OF YOU WOULD BE CONCERNED ABOUT. EPA WOULD ALSO BE DIRECTED TO PUBLISH GUIDELINES FOR THE DESIGN AND CONSTRUCTION OF ANIMAL WASTE MANAGEMENT FACILITIES -- A PROPOSAL I'M SURE THE KANSAS LIVESTOCK INDUSTRY WILL HAVE SOME ANXIETY ABOUT. YOU MAY ALSO BE INTERESTED IN KNOWING THAT UNDER THIS LEGISLATION, WHEN ESTABLISHING PRIORITIES FOR THE CONSERVATION PROGRAM, THE SECRETARY OF AGRICULTURE COULD BE REQUIRED TO CONSIDER LANDS IDENTIFIED AND RECOMMENDED BY THE EPA.

LASTLY, LET ME TOUCH ON THE WETLANDS ISSUE. AS MANY OF YOU KNOW, SENATORS BAUCUS AND CHAFEE HAVE INTRODUCED SEPARATE LEGISLATION REGARDING WETLANDS AND HAVE INDICATED THEIR DESIRE TO MOVE EXPEDITIOUSLY ON THIS BILL AS IF IT WERE A PART OF CLEAN WATER LEGISLATION. THEY BLAME THE WETLANDS CONTROVERSY FOR SLOWING DOWN MOVEMENT ON THE CLEAN WATER ACT LAST YEAR AND CONSEQUENTLY THEY HAVE INTRODUCED A FREE STANDING BILL. I WOULD ENCOURAGE YOU TO TAKE A LOOK AT THIS BILL. IT IS CONTROVERSIAL LEGISLATION THAT WILL REQUIRE SOME TYPE OF COMPROMISE.

I HAVE HEARD FROM SEVERAL CONSTITUENTS REGARDING WETLANDS

LEGISLATION AND THE COMMENTS HAVE RANGED FROM ONE EXTREME TO THE OTHER. ONE OF MY FRUSTRATIONS HAS BEEN THE NUMBER OF FEDERAL AGENCIES INVOLVED IN THE JURISDICTION OF WETLANDS. YOU HAVE THE SOIL CONSERVATION SERVICE, THE EPA, THE FISH AND WILDLIFE SERVICE AND THE CORP OF ENGINEERS. I SUPPORT MOVING THE ADMINISTRATION OF THIS ACT FOR AGRICULTURAL LANDS TO THE SOIL CONSERVATION SERVICE, WHICH IS WHERE THEY BELONG. THE TIME FOR A COORDINATED FEDERAL WETLANDS POLICY THAT EMPHASIZES THE PRESERVATION OF PROPERTY RIGHTS AND PRIVATE LAND USE DECISIONS, ALONG WITH THE CONSERVATION OF OUR NATURAL RESOURCES, IS LONG OVERDUE.

AGAIN, LET ME SAY THAT THIS IS AN IMPORTANT FORUM AND I COMMEND THOSE MEMBERS OF THE GROUP WHO PUT THIS TOGETHER. I LOOK FORWARD TO WORKING WITH EACH OF YOU DURING THE WEEKS AND MONTHS TO COME.



**STATEMENT OF**  
**SENATOR BOB DOLE**  
**FEDERAL WATER POLLUTION**  
**CONTROL ACT**  
**HUTCHINSON, KANSAS**  
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