

KCC Alert



Kentucky Conservation Committee, P.O. Box 1152, Frankfort, KY 40602

502-875-0909

Environmental Impact Fees Wasting Away?

Two programs that collect fees from waste generators are set to expire this year unless renewed by the legislature.

Since 1980 hazardous waste generators have paid a fee based on the amount of waste generated, bringing in \$2.1 million annually. The fund is used to conduct emergency cleanups, cleanup hazardous waste sites that have not qualified for federal Superfund, and to pay the maintenance cost of the 20 federal Superfund sites in the state for 30 years after closure (Valley of the Drums, Maxie Flats, et.al).

HB244 would simply extend the sunset of the fee from 2002 to 2004. This will assure that this issue will be debated again, as it was in 1984, '88, '90 and '00. No one seriously debates the need for funding, but industry keeps trying to place the cost of these cleanups on someone else.

Cleanups currently under way at 20 sites will cost \$5.8 million to complete, and the estimated cost of another 675 sites remaining to be addressed will cost over \$81 million. At the current fee rate it will take another 40 years of fees to raise the funds necessary to protect public health and the environment.

HB244 has passed the House and now goes to the Senate. Please **Contact your Senator** to encourage him/her to eliminate the 2004 sunset. The existing statute already has a monetary sunset. If the fee accumulates \$6 million, collection is suspended until the fund is spent down to \$3 million.

Industry had hoped to use public funds to supplement the cleanup fund, however, deficits in state revenue

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KCC To Do List:

- ❑ Ask your state Representative to support HB174, Greg Stumbo's bill to clean up garbage. (see "Stumbo's..." pg 2)
- ❑ Ask your State Representative to support HB465, Jim Wayne's bill requiring land use planning. (See "Growth.." pg 1)
- ❑ Ask your state Representative to support HB600, the Governor's Smart Growth bill. (see "Growth.." pg 1)
- ❑ Contact the members of the House Natural Resource and Env Committee ask them to oppose HB496 (See "Invitation..." pg 2)
- ❑ Come spend a day with Wade and Dick. Call the KCC number to arrange. Consider Feb 14 – Love Kentucky Day

Growth Management Builds Momentum

Two high profile growth management bills are attracting attention in the House. Rep. Jim Wayne's mandatory planning bill (HB465) would require every local government to develop comprehensive land use plans, designate areas for future growth, and prohibit the extension of water and sewer lines outside of these expansion areas. It also contains provisions for regional coordination of transportation and infrastructure needs.

Recent studies have shown that unmanaged growth generally costs local governments more than the tax revenues it generates. Helter-skelter land use requires higher expenditures to supply basic services and infrastructure than directed growth. Water, sewer, police, fire protection, schools, roads and other basic services can be provided more efficiently if their expansion is planned in an orderly fashion. This is the basic principle behind HB465, to provide more efficient use of tax dollars.

Side benefits from planning are the protection of natural areas, the designation of green space, the reuse of abandoned property, the protection of streams, the allocation of corridors for alternative transportation, traffic management, and historic preservation.

A second bill, HB600, is an outgrowth of the Governor's Smart Growth Task Force. Sponsored by Rep. Joe Barrows, it originated in the Governor's office and compliments HB465 with a number of less controversial provisions. This bill directs the state government to follow smart growth principles.

Specifically, it requires that all state agencies promote, assist, and pursue the rehabilitation of infrastructure, structures, sites and previously developed areas that are suitable for reuse. It also directs them to minimize unnecessary loss or depletion of agricultural, historic, and natural resources, or environmental quality in state siting and funding decisions. State agencies must also make a finding of consistency with these rules to a state planning committee regarding siting and funding of state development

The state planning committee is a creation of this bill and is charged with overseeing the actions of state government and their consistency with smart growth principles, providing assistance to local planning organizations, and providing education on smart growth principles and best practices.

HB600 also requires the state government abide by local planning decisions, where there are local planning boards. It creates tax credits to encourage the private redevelopment of run-down property and neighborhoods and the preservation of historic properties. State projects that impact more than 50 acres of prime farmland are to be evaluated by state planning committee. Finally, HB 600 sets up a public hearing process to receive public input on state projects affected by this law.

Key Committee Assignments

Senate Agriculture and Natural Resources

Ernie Harris, **Chair** (R), Vernie McGaha, **Vice Chair** (R), Paul Herron Jr (D), Daniel Kelly (R), Robert Leeper (R), Virgil Moore (R), Joey Pendleton (D), Ernesto Scorsone (D), Tim Shaughnessy (D), Elizabeth Tori (R), Ed Worley (D)

Senate State & Local Government

Albert Robinson, **Chair** (R), Alice Kerr, **Vice Chair** (R), Walter Blevins (D), Charlie Borders (R), David Boswell (D), Ernie Harris (R), Ed Miller (D), Ernesto Scorsone (D), Elizabeth Tori (R), Johnny Turner (D), David L. Williams (R)

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Roger Thomas, **Chair** (D), Royce Adams, **Vice Chair** (D), John Arnold Jr., **Vice Chair** (D), William Scott, **Vice Chair** (D), Ken Upchurch, **Vice Chair** (R), Adrian Arnold (D), Sheldon Baugh (R), James Bruce (D), Dwight Butler (R), Mike Cherry (D), Phillip Childers (D), Jack Coleman (D), James Comer (R), Charlie Hoffman (D), Thomas McKee (D), Fred Nesler (D), Don Pasley (D), Dottie Sims (D), Gary Tapp (R), Mark Treesh (R), Tommy Turner (R)

House Appropriations and Revenue

Harry Moberly, **Chair** (D), Mike Cherry, **Vice Chair** (D), Robert Damron, **Vice Chair** (D), Bob DeWeese, **Vice Chair** (R), Bob Heleringer, **Vice Chair** (R), Joni Jenkins, **Vice Chair** (D), Robin L. Webb, **Vice Chair** (D), Royce Adams (D), Rocky Adkins (D), Joe Barrows (D), Dwight Butler (R), Jim Callahan (D), Larry Clark (D), Jack Coleman (D), Barbara White Colter (R), Jesse Crenshaw (D), Danny Ford (R), Jimmie Lee (D), Mary Lou Marzian (D), Thomas McKee (D), Lonnie Napier (R), Fred Nesler (D), Stephen Nunn (R), Charles Siler (R), John Will Stacy (D), Mark Treesh (R), John Vincent (R), Jim Wayne (D), Rob Wilkey (D)

House Natural Resources and Environment

James Gooch, **Chair** (D), Woody Allen, **Vice Chair** (R), Phillip Childers, **Vice Chair** (D), Keith Hall, **Vice Chair** (D), Rocky Adkins (D), Ira Branham (D), Scott Brinkman (R), Hubert Collins (D), Howard Cornett (R), Don Pasley (D), Tanya Pullin (D), Marie Rader (R), Jim Stewart (R), Johnnie Turner (R), Robin L. Webb (D), Brent Yonts (D)

KCC thanks **Plan Graphics**, Frankfort, KY for *KCC Alert* production assistance.

Stumbo's Garbage Bill Goes to House Floor

HB 174, Greg Stumbo's solid waste bill reviewed in the Jan 28 *KCC Alert* could come up for a vote on the House floor this week. HB174 imposes a 1/2 cent fee on fast food and drink containers and a \$1/ton landfill tipping fee to pay for the cleanup of illegal dumps, the closure of old landfills, and the implementation of Kentucky's Environmental Education Master Plan. It also provides incentives for curbside collection programs

Please call your representative as soon as possible, especially Rep .Steve Nunn, Rep. Royce Adams, Rep. Caroline Belcher, and Rep. John Arnold.

Invitation to Pollute HB 496 would force the Natural Resources Cabinet to give a 45 day notice to violators of air, waste and water pollution laws before issuing a notice of violation and imposing penalties or ordering correction of the violation.

Unless an "imminent and substantial danger to human health or the environment" exists, the polluter gets an additional 44 days to pollute with impunity. It would allow blatant, intentional violations of laws, regulations and permit conditions without consequence. It is unclear whether even in the case of imminent harm if an "order to abate" now allowed by law could be issued. The bill is perhaps one of the least responsible filed on environmental issues in several years. It will be heard on Feb. 12 in the House Natural Resources and Environment Committee. – Tom FitGerald

Environmental impact fees...from pg 1.

made that unlikely in 2002. They are hoping that growth in state revenues will permit the transfer of cleanup costs from the generators to the general public in 2004 or later.

The second program about to expire is the \$1 fee levied against purchasers of tires. These funds are used to cleanup old waste tire dumps. Last year the fee raised \$2.2 million, funding the collection of 6 million old tires.

Each year the state generates about 6.5 million waste tires. The waste tires collected by this program were recycled or disposed in landfills. Initiated in 1998, the waste tire fee is scheduled to sunset this year. HB422 would extend the sunset to 2006 and continue an amnesty program that allows individuals to bring in old tires for disposal or recycling.

Many landfills will not accept tires, or impose a fee to quarter the tire. NB422 has passed the House and now moves to the Senate where its fate is less certain. **Contact your Senator** to encourage them to pass HB422.

Valentines Day is Love Kentucky Day in Frankfort

Join students, League of Women Voters and other voters from around the state in a grand lobby day in Frankfort and see HB 465 (planning bill) heard in committee. Call the KCC telephone number to arrange.

Contacting Your Legislators

Who are my legislators? You can look up your legislators on the web at www.lrc.state.ky.us/whoswho/whoswho.htm or you can call your local county clerk. All they need is your address.

How do I communicate with them? There are several ways to communicate.

The legislative message line will get you an operator who will write down a message for you, no questions asked. Use the number listed under Legislative Message line in our phone number box. Call 8:00 AM to 11:00 pm.

You can send a fax, the number is listed here. A fax can be sent to multiple legislators, you must list all names individually.

Many legislators have email. They can be found from the web address listed above. Some legislators respond, some do not.

Regular mail can be sent to The Capitol Annex, Frankfort, KY 40601.

What do I say? Your message can be as simple as "Please support bill xyz." You don't have to be an expert. Personal experiences that relate can be effective.

Legislative Information On the Internet

The Bill summaries, status, the full text of all filed bills, the legislative calendar, the orders of the day, legislators' email addresses, and more (updated daily) are available on the Legislative Research Commission's Web Site. <http://www.lrc.state.ky.us/home.htm>

Important Legislative Phone Numbers

Legislator Message Line: 1-800-372-7181
To talk to a legislator: 1-502-564-8100
Bill Status Line: 1-800-776-9158
Committee Calendar Line: 1-800-633-9650
Governor Paul Patton: 502-564-2611
Secretary James Bickford: 502-564-3350
Legislator Fax line: 502-564-6543

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2002 KCC Lobbyists

Wade Helm, 502-875-0909 **Dick Shore**, 888-44J-MUIR

Bill Summaries and KCC Position

Bill No	Position	Sponsor	Summary	Status
HJR24	Monitor	Moberly	Create a subcommittee to study the production of ethanol.	Posted House Ag & Sml Bus
HB28	Strong Support	L.Clark	Require counties cleanup all open dumps or implement mandatory curbside waste collection system by January 2004,	House Natural Resources and Environment
HB40	Support	Tapp, Arnold	Require federally mandated sulfur reductions be accomplished by blending biodiesel; study biodiesel during 2005 interim	House Rules
HB46	Monitor	Marcotte	Exempt cars 4 model years and younger from VET testing	House Transportation
HB48	Support	Riggs	Require hearings on local indebtedness & set criteria for denial of bond issue, replace appeal to State Debt Comm. w/ appeals to Circuit Crt	Senate Judiciary
HB64	Support	Damron	Adopt Interstate Wildlife Violator Compact: reciprocal agreements to enforce hunting violations and revoking hunting privileges	House Elections, Const Amend. & Intergov.
HB75	Oppose	Belcher	Remove wastewater treatment plants owned by fiscal courts from PSC control	House Tourism Development and Energy
HB118	Support	Marcotte	Persons applying for a permit to mine any mineral except coal to obtain an ordinance from county fiscal court that states that county road conditions will not be degraded by the increased truck traffic	House Natural Resources and Environment
HB137	Oppose	Gooch	Amend constitution to exempt unmined minerals from property tax.	House Elections and Const.
HB173	Support	Hoffman	\$5 tipping fee to fund closing of old landfills. Local government eligible for funds on a 4:1 matching basis.	House Natural Resources and Environment
HB174	Strong Support	Stumbo, et al	½ cent fee on beverage & fast food containers plus \$1/ton tipping fee to fund cleanup of dumps, Env. Ed. Master Plan, roadside cleanup, county solid waste coordinators. State to manage waste collection in counties not reaching 85% participation by 2007.	House Flr, 2st reading
HB214	Support	Riggs	Expands energy efficiency requirements to leased buildings. Creates revolving loan fund to pay for efficiency improvements. Allows state to enter into guaranteed energy saving contracts (see SB61)	Posted House State Government
HB 244	Strong Support	Wilkey	Extends sunset of the hazardous waste assessment fund used for superfund cleanup and pollution prevention assistance to 2004. Should have sunset provision removed.	Senate
HB275	Oppose	Gooch	Reallocates 5% to 8% of the all NOx credits to new power plants in 2004, with 5% thereafter. 10% set aside for "efficient energy" sources.	House Natural Resources and Environment
HB317	Monitor	Kerr	Exclude farm trucks from vehicle emission control programs	Posted House Local Gov.
HB319	Support	Arnold et. al.	Require state agencies to buy KY-grown food if available (see SB13)	Posted House Ag. & Small Bus.
HB323	Strong Support	Stumbo	Amend Constitution to allow a referendum on container deposits.	House Elections, Const. Amend & Intergov. Affairs
HB355	Strong Support	Wayne	Clean Election Act: public funding for General Assembly candidates	House Elections, Const. Amend. & Intergov. Affairs
HB367	Strong Oppose	Gooch, et.al.	Documents filed under the Ag. Water Quality Act to be confidential	House Floor 2nd reading
HB405	Oppose	Turner, et. al.	Construction related coal mining under 5000 tons where coal or proceeds are donated to nonprofit orgs exempted from permitting.	Posted House Appropriation & Revenue
HB408	Strong Oppose	Gooch	Rellocate NOx credits from early reductions to sources unable to meet compliance deadlines	Recommitted to House Nat Res & Env.
HB422	Strong Support	Pasely, et.al.	Extend waste tire fee to July 2006 and allow a tire amnesty program	Senate Approp & Revenue
HB460	Monitor	Bratcher	Allow monetary claims for victims of airport noise	Posted House Judiciary
HB465	Strong Support	Wayne, et al.	Require local Gov develop land use plans, define areas for future growth, prohibit the extension of sewer/water lines outside them	Posted House Local Gov.
HB496	Strong Oppose	Gooch	Calls for preliminary notice of alleged environmental violations and 45 days for said violation to be remedied	Posted House Nat Res & Env.
HB507	Under Review	Moberly, et. al.	State Budget (see SB144)	
HB536	Monitor	Rader, Colter	Extends waste tire fee until July 31, 2006 (see HB422)	House Nat Res & Env.
HB540	Support	Draud	Est. KY State Board to regulate the siting of merchant power plants and transmission facilities. Needs strengthening.	Posted House Local Gov.
HB542	Monitor	Yonts	Income tax credits for the value-added hardwood products industry	House Economic Develop
HB556	Support	Hall	Establish the Pine Mountain Trail State Park (See SB158)	House Tourism & Energy
HB575	Monitor	Brinkman	Require plastic containers to be labeled to assist in recycling	House Nat Res & Env.
HB586	Support	Wilkey	Require reporting of personal contributions to campaigns	House Elections, Const. Etc.
HB598	Support	Riggs, et al	Transfer regulation of the siting of cell phone towers from the PSC to any county with zoning and planning	House Local Government

HB600	Strong Support	Barrows	State government to follow Smart Growth principles, help local gov w/planning, tax incentives for redevelopment and preservation. Oversight committee should include non-state officials	House Approp Revenue
HB606	Support	Callahan, et.al.	Tax credit for expenses paid to rehabilitate a certified historic structure.	House Approp & Revenue
HB618	Oppose	Clark, et al	Counties must study/identify means of compliance without using vehicle emissions testing.	House Approp & Revenue
SCR17	Support	Guthrie	Create task force to study managing water supply on a watershed basis.	House Floor 2 nd reading
SB13	Support	Jackson	Require state agencies to buy KY-grown food if available (see HB319)	Recommended Sen Ag & Nat R
SB21	Oppose	Adams	10-year tax credit on 10% of capital costs for new companies that mine or process coal	Senate Ag. and Nat Resources
SB34	Monitor	Harris	Anti-litter education program & tax check off to fund it	Recommended Sen Aprop & R
SB61	Support	Sanders	Expands energy efficiency requirements to leased buildings. Creates revolving loan fund to pay for efficiency improvements. Allows state to enter into guaranteed energy saving contracts (see HB214)	House State Gov.
SB72	Strong Support	Westwood	Tax credits for certain rehabilitation/restoration projects	Recommended Senate A&R
SB102	Strong Oppose	Seum	Counties must study/identify means of compliance without using vehicle emissions testing.	Senate Ag. and Nat Res
SB144		Sanders	State Budget (see HB507)	
SB158	Support	Jones, et al	Establish Pine Mountain Trail State Park (see HB556)	Senate Approp & Revenue
SB169	Monitor	Roeding, Stine, Westwood	Gov. registered vehicles to be VET tested biennially rather than yearly.	Senate Ag & Nat Res

Internet Access of the Alert

Sierra Club graciously posts the Alert on their web site, go to <http://www.sierraclub.org/chapters/ky/>

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