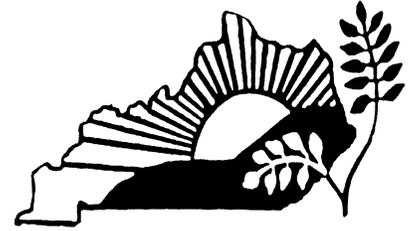


The Kentucky Conservation Committee

Guardian

A Review of Kentucky's Commitment to Protecting
Its Environment and Conserving Its Natural Resources



P. O. Box 1152, Frankfort, KY 40602

SUMMER 1998

KCC'S 1998 LEGISLATIVE PRIORITIES: HOW DID WE FAIR?

(A Summary of the 1998 Legislative Session)

At the annual meeting of the Kentucky Conservation Committee in September 1997, KCC members chose these ten priority issues to watch in the 1998 Legislative Session:

- ⇒ Passage of a Forest Stewardship Act including logger certification and landowner education.
- ⇒ Protection from Strategic Lawsuits Against Public Participation brought by industries and developers against citizens participating in public proceedings.
- ⇒ Adoption of responsible permanent regulations governing operations and siting of Confined Agricultural Feeding Operations.
- ⇒ Funding for the Nature Preserves Commission and Heritage Land Conservation Fund to continue support for programs on biodiversity and inventory.
- ⇒ Oppose any proposal for an Ohio River water pipeline from Louisville to Lexington and endorse proposals to improve water quality on the Kentucky River.
- ⇒ Funding for Wildlife Conservation programs through removal of hunting and fishing license exemptions and/or increase in sales tax.
- ⇒ Funding for Environmental Education Master Plan and Environmental Education Centers throughout the Commonwealth at universities and colleges.
- ⇒ Passage of a Marine Sanitation measure requiring proper disposal of sewage from recreational boating.
- ⇒ Protecting the progress embodied by Kentucky's solid waste planning law (Senate Bill 2) and promoting the next logical steps—universal collection and container recycling.

***The 1998 legislative session is over, and for the most part, environmentalists can breathe a sigh of relief. Experienced observers of the legislature say it's much easier to kill a bill than to pass one. That statement pretty well summarizes this session. The really bad environmental bills got killed due to the efforts of legislative leaders. On the other hand, no good environmental bill escaped unscathed, and some good environmental bills never made it out of committee. When the smoke cleared, here's what was left:

Weakened forestry bill will do no harm, little good. The governor's forestry bill began as a compromise bill that would protect water quality by requiring master loggers at logging sites and requiring best management practices at commercial logging sites larger than 10,000 board feet per year (about 3 acres on average). It was weakened in the course of the process, lowering penalties to a maximum of \$1000 per violation, and giving an industry dominated board oversight over the Cabinet's program. Language allowing the Division of Forestry to enter private property was removed; it remains to be seen whether the Cabinet will use other authority to enter and inspect property. Individuals logging on their own land are exempt, as are coal mining operations, Christmas tree and firewood cutting.

Natural Resources budget cut then patched. Of the 17 field forestry positions initially cut from the Division of Forestry's budget, 9 were reinstated.

Bottle bill fails, will be studied (again). House Majority Leader Greg Stumbo made a valiant effort to persuade his colleagues to pass a Kentucky version of California's bottle bill. Revenue from uncollected bottles and a disposal fee on plastic

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ALERT! KCC ANNUAL MEETING SEPTEMBER 19, 1998

(Registration Form and Meeting Information Inside)

1998 Legislative Session (*cont'd from front page*)

and styrofoam cups would have funded recycling, garbage collection and water and sewer lines. Intensive efforts from the retailers and bottlers prevented the bill from emerging from committee, until it was watered down to a study effort.

Effort to mandate end of driveway collection sputtered. Senator Blevins sponsored another bill which would have kept garbage out of streams and off hillsides, a measure that would have required counties to provide end of driveway collection for all residents. Letcher County and other rural counties are already providing this service. The bill died for lack of a motion to get it out of the Senate Agriculture and Natural Resources Committee.

Corporate swine bill killed by small farmers, environmentalists and stalwart governor. Members of the Community Farm Alliance joined with Sierra Club members and others to defeat the bill which would have eliminated groundwater monitoring for corporate hog factories and allowed existing confinement facilities of any size to expand to 4800 breeding sows without meeting new requirements. The regulations were attached by a legislative committee, a procedure which results in the regulations ending April 15. The Governor has pledged new, stronger regulations.

Modest improvements in protecting streams from household sewage—Senate Bill 18, Sen. Barry Metcalf's bill to prohibit approval of wiring and electrical service to households without septic systems or sewer connections, passed with weakening amendments, which exempted counties with building codes and allows land spreading of septic tank pumpings at approved sites regardless of whether a sewage treatment plant is available. It also served as a vehicle for a good amendment that provides for a public hearing on sludge composting operations done by private entities.

And some protection for lakes from boat sewage--House Bill 4, Representative Steve Nunn's effort to protect lakes from boat sewage also passed in a weakened form. It requires boats with toilets to have treatment systems, including holding tanks, and requires that marinas have either pumpout facilities, contracts that will enable houseboats to get their tanks pumped out by a septic hauler at reasonable times, or contracts with other marinas within eight miles to provide such services. House Bill 211, another lake protection measure sponsored by Nunn, will allow water supply systems to post drinking water intakes in lakes for no mooring by houseboats within 100 to 300 feet of the intake. House Bill 210, Nunn's effort to make Barkley Lake, Lake Cumberland, Dale Hollow Lake and Kentucky Lake off limits for treated (often improperly treated) boat sewage discharges, did not get out of committee.

Waste tire bill got fixed and passed--The Cabinet's effort to improve the waste tire cleanup and recycling system passed, after it was fixed by Senator Casebier's amendment (urged by Tom FitzGerald) ensuring proper permitting and local control over waste tire-burning facilities (HB 636).

Bad pesticide bills got fixed--and killed. House leadership sent pesticide regulation bills gutting local control and protecting applicators from liability (HB 480 and 483) to the Judiciary Committee, which fixed the bill. Once the objectionable provisions were removed, industry killed the bill.

Lexington's underground storage tank program gouged. House Bill 282, the bill designed to prevent fraud on the state's petroleum tank cleanup fund, and lower costs for gas tank owner/operators, also removed Lexington's authority to require stricter cleanup standards for sensitive karst areas. An attempt by Senator Scorsone to save Lexington's program failed 23-15. Bad cleanup bill fixed (twice). Sierra Club members were unlucky enough to come to Frankfort the day SB 364, an attack on cleanup standards was up in committee. Their lobbying efforts were not in vain, however. Senate leaders urged a compromise that took much of the sting out of the bill. In the House, leadership engineered another compromise, ensuring that polluters will not be able to walk away from contaminated sites, but will be required continue maintenance at sites that are not cleaned up to safe levels.

Bad reg bills and air toxics bill die late in session. Bills that would have further hindered the state from passing environmental regulations different from the federal governments (SB260) and that would have made emergency regulations (SB 270) more difficult passed the Senate but were stopped in the House. A bill which would have limited the Cabinet's ability to control toxic air emissions (SB 391) did not make it out of the Senate.

Last minute maneuver saves surface mining permit blocking. Legislative leaders added language to the budget preserving the enforcement tool of blocking surface mining permits for companies owned by people or companies with outstanding violations at other operations.

ORV bill passes. A bill allowing local governments to designate areas of county roads where off road vehicles could legally travel (HB195) sailed through both houses early in the session.

Bills adding billboards, favoring billboards over trees, fail. House Leadership stopped SB 613, which would have opened more areas to billboards. Majority Leader Greg Stumbo announced that he would not call SB 233, which would have allowed tree cutting in billboard visibility zones. Much credit for the defeat of these bills goes to the Scenic Kentucky group.

1998 Legislative Session (*cont'd*)

The view improves--Senator Karem's Scenic Highway Bill which establishes the legal standing of scenic highways with the Department of Transportation, passed into law in the last week of the legislative session.

All in all, it's clear that the efforts of many people and groups (the Sierra Club, Kentucky Resources Council, KFTC, Community Farm Alliance, Kentucky Waterways Alliance, the Catholic Conference, League of Women Voters, KCC board members—to name a few), and the responses of House and Senate leaders saved Kentucky from some truly damaging environmental proposals.***

***Reprinted with permission from the Sierra Club's **The Cumberland**, Volume 31, Issue 5 article by Liz Natter.

KENTUCKY CONSERVATION COMMITTEE ANNUAL MEETING

at

SHAKER VILLAGE IN PLEASANT HILL, KY

SATURDAY, SEPTEMBER 19, 1998

Program

9:00 a.m.	Registration
9:30 a.m.	Welcome (Wade Helm, President, KCC)
10:00 a.m.	Panel Discussion: "An Overviews of the 1998 Legislative Session" (Invited panelists: Rep. Greg Stumbo, Rep. Steve Nunn, Sen. Ernesto Scorsone, Secretary of Natural Resources Gen. James Bickford)
11:00 a.m.	Panel Discussion: "Citizen Involvement in the Legislative Process" (Panelists: Liz Natter, 1998 KCC Lobbyist & Chris Clements, 1998 KCC Intern)
12:00 p.m.	Lunch Break (included in Registration Fee)
1:00 p.m.	Business Meeting (Election of Officers & Board Members)
3:00 p.m.	Wrap-up Summary and Final Comments

Registration Form

Please check all that apply:

- Conference Registration (\$15 pre-registration; \$20 at door) Box Lunch included.
- Conference Registration + Membership (see Membership Form elsewhere in brochure)
- Unable to attend conference but would like to make a contribution to defray conference costs

Name: _____

Address: _____

City/State/Zip Code: _____

Home Phone: _____ Work Phone: _____

E-mail: _____ Fax: _____

Please mail registration form with check made payable to KCC to: Ray Barry, Treasurer, 3415 Snaffle Road, Lexington, KY 40513. (For additional information on the conference contact Wade Helm at (502) 568-1541.)

KCC Board Member Nominations Invited

If you would like to volunteer to serve on the KCC board, or know someone you would like to nominate, contact Wade Helm at (502) 568-1541 **today!** Serving on the board offers opportunities to influence Kentucky policies and legislation in the environmental areas of your con-

Kentucky Conservation Committee
PO Box 1152
Frankfort, KY 40602

IMPORTANT CALENDAR DATES

September 14-18, 1998 *“Working at a Watershed Level.” A training course for state, federal, local, and non-governmental organizations in Lexington, KY.*

September 19, 1998 *KCC Annual Meeting at Shaker Village in Pleasant Hill.*

October 9-11, 1998 *KFTC Annual Membership Meeting at the Kentucky Leadership Center in Faubash, KY.*

October 17, 1998 *Ohio River Cleanup*

October 27-29, 1998 *Governor’s Conference on the Environment, at the University Plaza Hotel and Convention Center in Bowling Green, KY.*

The Earth Needs a Friend in Frankfort

Please Check All that Apply

\$25 (individual) \$35 (family) \$15 (limited income) \$50 (contributor) \$100 (patron)
 \$100 (Organization) \$365+ (“365 Club”)
 Membership Renewal I am enclosing an extra \$10 to receive the Legislative Alert during sessions.
 Contribution only: \$ _____ (please specify amount) Total enclosed \$ _____

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Senator _____
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Representative _____
Home Phone: _____
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Ways I will help KCC include:

My legislators are: **(PLEASE LIST)**

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