

Testimony on House Bill 2551
to
House Committee on Agriculture and Natural Resources
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KDHE appreciates this opportunity to present testimony in support of HB 2551 which will revoke K.S.A. 65-3480 through 65-3490 related to the regulation of PCB processing and disposal facilities. PCB is an abbreviation for polychlorinated biphenyls. This is a type of non-flammable and stable synthetic oil historically used in electrical transformers and capacitors and in many other products including paint, caulk, and various hydraulic or insulating oils. PCB production was banned by the U.S. Congress in 1979 based upon toxicity concerns and a suspicion that it was a carcinogen. Another concern related to PCB oil is that when this chemical burns, it produces more hazardous chemicals called dioxins and furans. PCB transformer fires have been known to contaminate large structures and areas. For these reasons, there has been a 30 year effort to eliminate PCB from all commercial uses and the environment.

Congress passed the Toxic Substances Control Acts (TSCA) in 1976 which included the authority to regulate PCBs; however, it took several years of before comprehensive federal regulations were adopted. Today, EPA regulates all aspects of PCB use, storage, clean-up, processing, and disposal under 40 CFR Part 761. Unlike many other federal environmental programs, TSCA cannot be delegated to states.

As EPA was finalizing its regulations in the early to mid-1980s, the Kansas Legislature adopted state PCB control laws due to public health and environmental concerns associated with PCB use, potential releases to the environment, clean-up methods, and disposal. The Kansas laws and associated regulations found in K.A.R. 28-55-1 to 28-55-5 are generally duplicative of the federal requirements and K.S.A. 65-3486(b) requires that a special permit application fee of up to \$25,000 be paid for any new facility or to modify an existing facility.

Kansas presently has two commercial PCB processing facilities: Clean Harbors (previously known as Aptus and Safety Clean) located in Coffeyville and Solomon Electric in Solomon. Currently, both EPA and KDHE oversee activities at each facility.

KDHE recommends that existing state PCB laws be repealed to avoid the unnecessary duplication of effort by KDHE and EPA staff and to minimize regulatory burden on the affected industry. In addition, repeal of this section of law will eliminate permit application fees related to future facility modifications without adversely impacting public health or the environment since EPA approval of facility modifications requires no fee payment.

The elimination of PCB duties from KDHE hazardous waste program staff will also help staff accomplish the extra workload assumed by the department in 2013 to implement the RCRA Corrective Action Program. This is a clean-up program at hazardous waste facilities. KDHE became authorized to administer this program in lieu of EPA in the fall of 2013.