

from our viewpoint...

## Cesspool question created by state regs

Questions about the need to replace Ron Schilling's cesspool have state officials scratching their head as the Northwest Local Environmental Protection Group are in uncharted waters with a request from Schilling and Sherman County for a hearing on the order to replace the cesspool.

In many cases state officials turn to a federal Environmental Protection Authority mandate when referring to regulations that require citizens and communities to follow the Clean Water Act or Clean Air Act or other edicts.

When Shirley Weber, director of the northwest group, and Doug Schneweis, watershed field coordinator for the Kansas Department of Health and Environment, met with the Sherman County commissioners and Schilling on Aug. 16, both insisted the cesspool was illegal under "state law" and had to be replaced.

Schneweis said cesspools have been illegal since 1973 when the state passed the environmental protection law. He said cesspools are considered dangerous because the tops can cave in, and because the untreated sewage is allowed to seep into the ground and could contaminate the groundwater.

Part of the controversy stems from a 1993 code Sherman County signed spelling out the regulations for the Local Environmental Protection Group, and Schilling contends under that his cesspool is grandfathered in unless it fails or he sells his property.

County Attorney Bonnie Selby said she had been asked by Schilling to contact the state about the situation and the first conversation they had with a legal person in the state water office the attorney had agreed the system was grandfathered. However, a week or two later the same attorney sent a letter to Selby saying he had revised his opinion after hearing more from Weber and said the system was in violation of the state laws.

Schilling presented a letter from John Donley, assistant counsel of the Kansas Livestock Association, who said he agreed with schilling the cesspool existed prior to the adoption of the code in 1993, and felt it was grandfathered under the provision in the code.

"Additionally, I was unable to find a state statute that your system, as described to me, would violate," Donley wrote.

Weber said by state statute all cesspools are illegal from 1973 on.

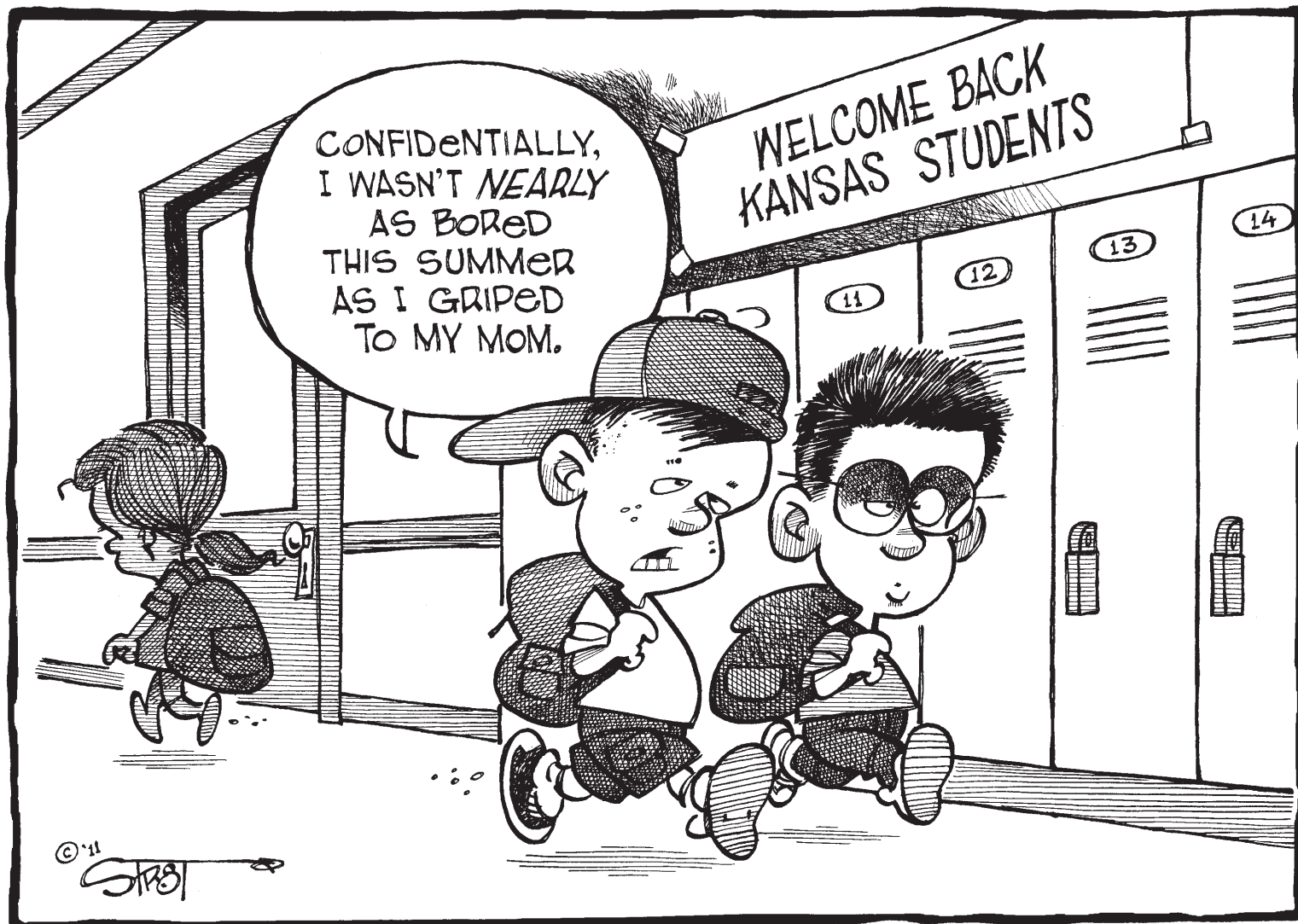
A hearing is new territory for the Northwest Local Environmental Protection Group that represents 15 counties, and the next step will be determined at the meeting of the board at 1 p.m. on Wednesday, Sept. 14, in Colby.

We agree with Attorney Donley there is not a "state law" saying specifically cesspools are illegal, but what is being referred to are the state regulations where it is spelled out.

Authority for those regulations comes from a portion of state law saying: "... and to protect designated uses of the waters of the state and to require the treatment of sewage predicated upon technologically based effluent limitations, the secretary of health and environment shall make such rules and regulations, including registration of potential sources of pollution, as may in the secretary's judgment be necessary..."

We can imagine the fun attorneys would have with the phrase "predicated upon technologically based effluent limitations."

This time the state has used a broad brush in the name of environmental protection to develop far reaching regulations often blamed on the federal government. We hope cool heads prevail and in the end everyone knows the clear answer. — Tom Betz



## Who says our schools are failing?

This Man of the Plains must have missed something somewhere.

I keep hearing and reading about public schools and how they are failing all across America. I don't know who the people are that grade the schools, but maybe it's the "graders" themselves who are failing. Maybe they don't quite understand the programs being taught because they have changed dramatically over the years. A tougher challenge but a challenge being met.

I am of the opinion our kids, for most part, are today getting a top-notch education. It's easy to find fault in anything put under a magnifying glass. But I think parents by a large majority would agree their kids are learning exceptionally well from very competent teachers. And I think the "judges" put way too much stock in the kids who are falling behind, not due to the teacher(s), but because they don't want to learn, they come from homes where parents fail to put education at the top of the list, or they are nothing more than distractions in the classroom and couldn't care less about today nor tomorrow. There is little that can be done to correct kids in these categories, despite the best efforts of their teachers. Yes, "Some children are left behind."

Let's focus on the positives. After all, any student who climbs the grades from kindergarten to high school senior, and graduates, has done so with a record of achievement. And as we track the progress of kids after they leave high school and enter college we so often hear these words, "I just knew he (or she) had it in him!" And who paved the way? You know the answer.



**tom dreiling**  
• man of the plains

My three kids did very well in public schools, in fact one graduated valedictorian. Two of the three went on to earn college degrees, the other chose to enter the United States Air Force after taking some classes at a community college and a four-year university. Those college courses certainly had an impact on his ability to gain the rank of Air Force master sergeant and he is now serving as a first sergeant at Buckley AFB, Aurora, Colo. He is in his 22nd year in the military. The other two are involved in somewhat of a family business in Aurora and they are doing quite well, now in their eighth year.

Maybe my kids' successes were due to my attentive nature. But most importantly I credit the men and women who manned their classrooms and I cannot thank them enough even today for the gift of education they gave them.

My grandchildren are, likewise, getting the education necessary to function in today's challenges. One just graduated in May from high school, the others range from pre-school to fourth grade. Reports are all positive and they must be because their parents are demanding.

I have always been of the opinion our greatest needs are educating our children and protecting our homeland. And Congress would best serve our interests if they kept that in mind.

Observation: I keep seeing this commercial on television directed specifically at people with breathing problems. Before you ask your doctor for a prescription of the medication being pitched in that commercial, there's something you can do to greatly improve your breathing right away: get rid of that elephant sitting on you!

I love poetry. There is just something about it that fascinates me. In fact, I spend a little time writing some, nothing complex, mind you, but simple and to the point, to wit:

- (1) Cars fly by, trucks do too; overlooked red light, too late to undo.
  - (2) Son has birthday, has eye on car; dad nods nope, too young for bar!
  - (3) Aroma enticing, what must it be? A summer favorite, like, "hey...iced tea?"
  - (4) Exercise a must, so doctors say; but dog has best answer, ...lay!
- Booing is allowed!

Snippets were primarily about Texas Gov. Rick Perry getting into the Republican race. I opted, instead, to toss in a few of my poems and to hold the snippets until the next column. Thanks for your understanding!

Peace!  
Tom Dreiling is a retired journalist, now living in Aurora, Colo. He edited and published newspapers in Kansas and Wyoming during his 44-year career. E-mail is milehitom@hotmail.com

## Fighting to save the Post Office

Can you imagine a world without mail? Neither can Pat Donahoe, the new postmaster general.

The Post Office was among the first departments, organized by the Continental Congress back in 1775, a year before the Declaration of Independence. It was seen as a vital means of uniting the colonies.

Today, nearly everyone depends on the U.S. Postal Service — but that could change, and quickly.

Pat Donahoe looks a lot like the guy left holding the bag. When he took office Dec. 7 after 10 years as the service's No. 2 guy, the agency had just posted a record \$8.5 billion loss for 2010. Prospects for the future are little brighter.

Donahoe briefed editors and publishers at the National Newspaper Association's Government Affairs Conference last month, inviting them to his 14th-floor conference room for a session lasting nearly an hour and a half.

It's not that the service has been standing still while the recession and changes in how people communicate pounded it. The agency has cut nearly a third of its employees — going from 803,000 in 2000 to 553,000 today — he noted. It's slashed overtime, revamped its system and cut at every level, eliminating \$19 billion a year in expenses.

"The loss this year will be \$9 billion," he said, "but it could have been \$28 billion."

Despite all that work, he added, fuel hikes could cost \$400 million this year alone to the operator of the nation's largest truck fleet.

One of the service's biggest problems is a law requiring it to make \$5.5 billion a year in advance payments to the old civil service retirement system. While actuaries and government auditors say the system is overfunded and the payments are no longer needed, Congress has refused to act — even though ending them would solve many of the agency's money problems.

As it is, the service will reach its borrowing limit this year and could run out of cash



**steve haynes**  
• along the sappa

by next summer, Donahoe said. Already, it's defaulted on some pension payments to the government.

"I tell everyone this," the postmaster general says, "because people need to know. Nobody is going to bail us out."

And Donahoe, a tall guy who looks as Irish as his name, started as a postal clerk in Pittsburgh. Don't let that fool you, though; he has a bachelor's degree in economics from Pitt and a master's from the Massachusetts Institute of Technology, or MIT. He gives the impression he's a force of nature, a leader who'll get his program set in motion no matter what.

The question is, is it the right program? And will it be enough to save the venerable mail service?

Donahoe wants to streamline the service's plant and delivery system once more, realigning mail-sorting plants, eliminating workers and executives, cutting out Saturday delivery and closing more than a third of the nation's 33,000 post offices. And that's just the first round. He says all that should save more than \$1 billion, but against a \$9 billion loss, that's not much.

Still, he said, if Congress will act on the pension overpayment, the service should be able to move into the black for the next few years. Even his most optimistic line, however, shows a deficit creeping back in by 2016.

What's wrong?

A lot. For one thing, people don't mail things like they used to. First-class mail is off by 25 percent over the last five years. Individuals and businesses alike have turned to e-mail and texting to replace letters, bills, paper-check payments and the like. The future holds more

of the same.

For years now, the Postal Service has looked to advertising — what we call junk mail — for growth. Whether that can sustain the goal of universal mail service across the nation, no one knows for sure. It's always been First Class Mail that's paid the bills.

What is certain is the system still has too many workers and, by industry standards, they're highly paid. Postal unions are among the strongest in the nation, partly because they have heavy influence in Congress.

By 2015, the postmaster general says, the service should be down to 420,000 employees, trimming another quarter of its work force. In small towns where offices close, the agency touts its "Village Post Office" as a replacement. Costs in the first town went from \$89,000 a year, he said, to \$2,000. However, many small towns lack a business or public office which could house a contract station.

Congress is sure to oppose closing rural offices, but in the end, no one wants to be seen as "bailing out" the postal system, so the service is likely to get its way. It'll have to keep cutting and try to generate more business. Some postal unions have pitched in, but not all are on board yet.

"These aren't scare tactics," Donahoe says of the cuts. "First Class is driving that."

And the price of stamps can't go up much more, he adds.

"I can't price myself out of this," he says. A fair solution to the pension overpayments is nearly impossible, since Congress is counting that money as federal "income" and using it to make the deficit look smaller.

In the topsy-turvy world of Washington, that nearly makes sense, but it'll do no one any good if the Postal Service goes belly up. Then Congress will have to bail out one of the government's oldest and best-loved services.

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